

City Council Chamber, City Hall, Tuesday, February 3, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 3, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Paul Bibler, Senior Assistant City Attorney, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

At 1:46 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Edwards. Council Member Edwards stated that throughout all the atrocities of the Angolan people their spirit had always risen to the top, she celebrated their victories and their potential and today recognized the Republic of Angola; that on September 11, 2003, the Mayor of Houston and Governor of Luanda, Angola signed a Sister City agreement and today Houston was proud to join in celebrating the heritage of a great nation and proclaimed February 4, 2004, as "Republic of Angola Day"; and invited representatives of the country of Angola to the podium and presented them with the Proclamation. Spokespersons from the group thanked Houston for the honor, their support and the Proclamation. Council Members Galloway, Goldberg, Wiseman and Alvarado absent.

At 1:55 p.m. Mayor White called the meeting to order and Council Member Holm led all in the prayer and in the pledge of allegiance. Council Members Galloway, Goldberg, Wiseman and Alvarado absent.

At 1:56 p.m. the City Secretary called the roll. Council Members Galloway, Goldberg and Wiseman absent.

Council Members Green and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway, Goldberg and Wiseman absent. MOTION ADOPTED.

Council Member Berry moved that the rules be suspended for the purpose of hearing from Ms. Pam Walker, Mr. Jonathan Lack, Ms. Carol O'Neal, Ms. Jina Angulo, Ms. Robin Holzer, Mr. Jed Kenna, Mr. Allen Romano, Ms. Sandra Anderson, Ms. Mary Taylor, Ms. Ada Jones, Ms. Marcia Laverne Smith, Mr. Leroy Flowers, Ms. Elease Lewis, Ms. Clementine Siner, Ms. Ann Johnson, Ms. Ruby Bennett, Ms. Cynthia Scott, Ms. Jewel Houston, Ms. Dollie Himes, Mr. William Bridges, Mrs. Jessie Bridges, Mr. James Smith, Ms. Ruby Mosley and Mr. Charles Ingram out of order after the speakers on Agenda items, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Galloway, Goldberg and Wiseman absent. MOTION 2004-0108 ADOPTED

Mr. Tom Brown, 5439 Redstart, Houston, Texas 77096 (713-729-8648) appeared and stated that he appeared before Council about one year ago requesting the temporary food permit cap be rescinded and it was passed but not implemented; that this was again on tomorrow's Agenda and he urged its passage as 30 food vendors pulled out of the Rodeo last year because of the permits; and thanked Council Members for their diligence. Council Member Wiseman absent.

Council Member Berry stated that the item was brought to the Mayor last week and his Administration hoped on it and he believed he and his colleagues agreed with it. Council Member Wiseman absent.

Council Member Ellis stated that he would echo Council Member Berry's comments as they assumed it was implemented when it was voted on and he was sorry they had not followed-up on it; that he thanked Mayor White for his swift action and Mr. Brown for bringing it to their attention. Council Member Wiseman absent.

Ms. Ruth Terry, 5908 Buffalo Speedway, Houston, Texas 77005 (713-409-1522) had reserved time to speak but was not present when his name was called. Council Member Wiseman absent.

Ms. Pam Walker, 1908 Culmet #1, Houston, Texas 77004 (713-533-1599) appeared and stated that she had been hired by the City of Houston Fire Department and led to believe by her supervisor that she was doing an outstanding job; that her work was praised and she was told to apply for a supervisor position; that a new policy was passed regarding absences and employees had to keep their own records and she did; that she asked when she would receive her job performance evaluation and months went by but she was told not to worry as she did a great job; that on September 23rd Mr. Frank Smith, the time keeper, informed employees of their total occurrences and hers was two, but when checking her records she saw one and spoke with him and then realized he had counted her 8:15 arrival as a tardy when it was not to be considered that until after 8:15 so he said he would correct it. Council Members Wiseman and Garcia absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Ms. Pam Walker to speak, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2004-0109 ADOPTED.

Ms. Walker stated that she asked her supervisor to go over her EPY because she had concerns and asked how they arrived at the attendance scored and was asked if she thought she should receive outstanding on everything and she said no but it should be right; that she later called Human Resources to meet for guidance and asked if she would be fired for coming to her being a probationary employee and was told no so they discussed her EPY, but Wanda left to make copies when a man walked in asking her name and then when Wanda returned she said she could not continue the meeting and would get with her next week; that her supervisors found out and acted different to her, then later was told she was terminated and when asked why she was terminated she was refused an answer; that she retrieved her items and Mr. Prado said she no longer worked there and had to leave now; that she called later stating she left items and Mr. Prado said a probationary employee meant nothing to the City of Houston and she had no rights; that she loved, wanted and needed her job; that she only received praise and wanted to be reinstated as she was unfairly dismissed and falsely accused of having poor work ethics. Council Member Wiseman absent.

Council Member Edwards stated that she understood process and protocol, but it seemed inappropriately handled and wanted someone to speak with her. Mayor White stated that he agreed there should be matters clarified and there needed to be a way of communicating, if it was done as she said it was bad interpersonal skills and bad management skills and would ask Chief Simms to consult with her and then get back with Council Member Edwards and for her to get back with the Mayor's Office. Council Member Wiseman absent.

Council Member Galloway stated that she would suggest a uniform policy be in place for all departments to follow when relating to work habits or attendance; that many times supervisors made their own rules as they went and would like his Administration to look into it. Council Member Wiseman absent.

Mr. Jonathan Lack, 310 West Dallas, Houston, Texas 77019 (713-521-4127) appeared and stated that he was present to invite everyone to another exciting event; that February 14th and 15th at Reliant Stadium they would be holding the Cardio Consumer Expo free to the public; that they would be providing educational seminars and free testing of different types and unique issues would be dealt with by health professionals. Council Members Lawrence and Wiseman absent.

Council Member Sekula-Gibbs thanked Mr. Lack for coming; and upon questions,

Mr. Lack stated that they would have BMI testing (body mass), cooking seminars, physical activities, etc., for all age groups. Council Members Edwards, Wiseman, Alvarado and Berry absent.

Council Member Khan stated that he would be happy to help promote the event; and upon questions, Mr. Lack stated that they had over 140 exhibitors coming and it was an open event to all and could use any help promoting it. Council Members Galloway, Edwards, Wiseman, Alvarado and Berry absent.

Mayor White stated that he appreciated Mr. Lack's work for the community and thanked him for coming. Council Members Galloway, Edwards, Wiseman, Alvarado and Berry absent.

Ms. Carol O'Neal, 1519 Kipling, Houston, Texas 77006 (713-882-0445) appeared, presented information and spoke against the reconstruction of US-59 and Spur 527, stating that the project would affect everyone south of Westheimer and west of Downtown because now every major artery that connects west and southwest Houston to Downtown was under construction; that TXDOT planned to close the Downtown Spur access February 13th and she believed it needed reconstruction, but constraining 59 at the same time of all other construction on the Westside was a terrible idea and the project should be delayed at least until 610 reconstruction was finished. Council Members Galloway, Edwards, Alvarado and Berry absent.

Mayor White stated that this was a serious issue and Council Members had keen interest, but with several speakers he would like to have them speak first and then recognize Council Members for their questions. Council Members Galloway, Holm, Alvarado, Quan and Berry absent.

Ms. Jina Angulo, 4119 Whitman, Houston, Texas 77027 (713-623-6559) appeared and spoke against the reconstruction of US-59 and Spur 527, stating that she was in Real Estate and president of her homeowner association, Westland Plaza, and lived and worked in the hot zone of the project; that this was a big problem needing current data and people already avoiding other construction projects were using this route; that she only wanted real answers and urged Council Members to consider her request. Council Members Galloway, Edwards, Holm and Green absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared and spoke against the reconstruction of US-59 and Spur 527, stating that she was secretary of her civic association and TXDOT's 2002 traffic volume for US-59 was 35% higher than the count people used for planning and she was concerned no one knew where 135,000 vehicles inbound and another 135,000 outbound would really go when they constrained 59 and she believed a real live test should be done putting the speculation to rest and they wanted to close the Spur for two weeks before demolition started and see if it would work the way TXDOT said it would; that logic dictated the only reasonable option would be to defer the project until construction on 610 to I-10 was complete and a test would tell. Council Members Edwards, Holm and Green absent.

Mr. Jed Kenna, 1507A Harold, Houston, Texas 77006 (713-523-1776) appeared and spoke against the reconstruction of US-59 and Spur 527, stating that the spur should be closed temporarily for a test to be done and projects were delayed all the time and they asked the city to determine the true cost of delay and publish them so all could make an informed decision whether it should be closed for testing. Council Member Green absent.

Mr. Allen Romano, 8401 Airline Drive, Houston, Texas 77037 (281-448-3000) appeared and stated that Mayor White ran on certain promises and his faith was shaken and discussed his personal opinions on construction, traffic problems and synchronization of traffic lights. Council Member Green absent.

Mayor White stated there were comments and questions he would like to make and several Council Members had comments or questions and recognized Council Member Sekula-Gibbs first. Council Member Green absent.

Council Member Sekula-Gibbs stated that she knew Mayor White had taken a very special role in getting traffic rolling and she had seen results already, but this was a bigger issue and had gone on a long time; that there was longstanding lack of communication between the City and TXDOT, apparently it began in the 1990's and delay was an option while some construction was completed; that she was concerned for people and businesses and TXDOT said if the City was willing to put up significant money they would work with them, but she could not get a solid number and would like to know what it would cost to keep one lane inbound open and then see if they could charge individuals for using the inbound lane and outbound lane like a toll to pay for it; and upon questions, Mayor White stated that on the toll he had heard nothing; that he had worked on this everyday for the last 60 days and to be most responsive he made notes of her comments and the test request.

Council Member Garcia stated regarding how the project would roll out he had not heard about police or fire response time impact and would like thought given to that; and Mayor White stated that was a good point.

Council Member Edwards stated that she wanted to know if the community had been able to persuade State Representative Martha Wong to join in their efforts on the issue and Mr. Vanden Bosch had put extensive work into the program and they may want to confer with him as to traffic routing and emergency preparedness issues and upon questions, Ms. Holzer stated that she was at the hearing this morning and Judge Hitner expected to issue his opinion no later than Monday; that there may be a preliminary injunction, however, it wont solve Houston's problem. Council Member Edwards stated that several plans were presented to METRO and Mayor White stated that he was aware of those and personally dealt with METRO on some of them and there were modifications to METRO's plan. Council Member Edwards stated that the bus plan for West Alabama and Travis was shifted and now those streets were a mess and whatever information she could share she would be glad to do.

Council Member Berry stated that one point of the law suit they were waiting to hear from was that anyone involved in a planning capacity not give diversionary advise; that he did not know the contractor working the San Felipe at Allen Parkway project but it narrowed to one lane and carried more capacity currently than it could handle; that he lived at the edge of the Spur.

Council Member Berry moved that the rules be suspended for the purpose of extending time for discussion of Spur 527, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-0110 ADOPTED.

Council Member Berry stated the Mayor's Office was doing a lot and he was very impressed with David Saberstein as he was doing a lot in informing the public on mobility; that at 6:30 p.m. Thursday there would be a public meeting at St. Paul United Methodist Church at 5501 Main and the first part would be informing the public while the second part would be complaining.

Council Member Holm moved that the rules be suspended for the purpose of adding Ms. Wendy Mitchell to the list of speakers on Spur 527, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0111 ADOPTED.

Ms. Wendy Mitchell, 204 E. Cowan, Houston, Texas 77007 (713-880-5293) appeared and spoke against the reconstruction of US-59 and Spur 527, stating that she owned a restaurant, Mission Burrito, on West Alabama; that when bike lanes came they lost on street parking and 25% of their revenue, then they came against construction Downtown and were the first to close their doors in that area; that now there was construction all over and no real way to get into

Downtown and was also requesting that a test be done.

Council Member Khan moved that the rules be suspended for the purpose of extending time for Ms. Wendy Mitchell to speak, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2004-0112 ADOPTED.

Ms. Mitchell stated that she would like the cost of people losing jobs, families losing time, etc., because of the congestion with the Spur being closed and urged a project delay.

Council Member Goldberg thanked everyone for coming and stated that when this began two years ago he believed TXDOT did not care if there was any mitigation at all and it was a difficult position they were placed in when State Representatives voted for TXXDOT appropriations and Council had no control at all except for mitigation; that he did have a lot of confidence in Mayor White and appreciated the work he put toward it and appreciated his effort. Council Member Ellis absent.

Council Member Khan stated that many use 59 to get to work and any traffic engineer would say you don't start a project without finishing a project and that was why they were done on a piecemeal basis; that he did think the City should be prepared for the worst-case scenario and he was sure Mayor White's office would be looking into it.

Council Member Edwards stated that she again would ask that the Administration find out the position of State Representative Wong and she knew Debra Danburg's position; that she would continue to vote no on any project coming to the table involving that project though she knew the project would not stop just because the City did not do what they were supposed to do.

Council Member Holm thanked Mayor White and everyone who came today and asked all present involving the Spur 527 to stand to be recognized.

Mayor White thanked everyone for coming and stated that he and Council Members worked for the citizens of this city and no one else; that in the last 48 hours he left a meeting convened at his request by the major employers and property owners in the central business district concerning this project and tomorrow Council would see some of the people they worked with every week in the traffic helicopters on working to reduce traffic through neighborhoods and today there was blunt conversations with TXDOT and they had agreed to fast track one project which would increase the capacity of entering 288 from 610 where there was a bottleneck at this time and could be concluded in a 60 day time period; that every idea including delay should be on the table and discussed to see what best accomplished the purpose; that 59 construction would add HOV capacity and exits and the plan to sink 59 below grade was something that would avoid disruption of neighborhoods and there was a contract let some time ago to do this work on 59 and no Council Members had anything to do with it; that what made sense to him was that the construction on 59 could proceed without the closure of Spur 527 and that it be done in phases, but if you dropped the grade on 59 how would you get to 527, it was an engineering difficulty so then you focused on whether the whole 59 project should be delayed and if so until when; and the issue of a test he thought deserved serious consideration and some issues to consider was would the Main Street exit be opened as a part of the test and without that would you get a real feel of what the test was and how would you handle communication for them to know how long to do something and what index would you use concerning what you did and how much you paid TXDOT if it came to delay and how would they find the money to do that; and he apologized for the time he took here but there was nothing more important than public safety and what to do with the budget and they were working around the clock and every single suggestion made he tried to get evaluations on.

Council Member Garcia stated that he was with the city almost 24 years and he could not remember the time when the City's leadership had really engaged in the thought process of

what went into a project of this magnitude and he appreciated the Mayor's candidness with this.

Mayor White stated that he wanted to thank those citizens who appeared and all those who waited; that there was no fear with the Mayor and Council Members of TXDOT or collusion with contractors; that they were only trying to figure out what the right thing to do would be with the cards dealt.

Ms. Sandra Anderson, 1807 Winder Bay, Houston, Texas 77088 (713-447-0347) had reserved time to speak but was not present when his name was called.

Ms. Mary Taylor, 1403 Fashion Hill, Houston, Texas 77088 (281-445-0682) appeared and stated that they had concrete streets in her area and they did not want the street over layering and they were protesting it; that it was a waste of money and it could be used for their sidewalks, etc., that they also had a problem with sewage and bad water, flooding, water bills were wrong and they were asking that it all be looked into and they did appreciate Mayor White for his concerns of the communities. Council Members Holm and Berry absent.

Council Member Galloway stated that to address Ms. Taylor's concern she gave each Council Member a letter; that she was told they had cracks in the streets and wanted them corrected and Public Works used an overlay process and that was the procedure for a Neighborhood to Standard Project; that Public Works would go out and check and see what was needed and they did not do streets not needed; that she was not notified as to when the project would start, but she did receive calls protesting it and then she called and it was stopped; that Ms. Taylor talked about the water and Aqua Source used to be the water and they complained of bad quality and high rates and she worked hard with Rep. Turner for the City to purchase the utility company which they did and many were satisfied and grateful; that Ms. Taylor did say she had bad water and she asked that she bring a sample; and Ms. Taylor showed her samples saying after it sat it stained whatever it was in and they could not cook with it. Council Member Galloway stated that she could not cook with it but others water was fine so there were isolated cases and she wanted the Mayor to be up to date with them. Council Members Edwards, Wiseman, Holm, Green and Berry absent.

Mayor White stated that when the work started that morning he and Council Member Galloway talked and it was her call and if someone did not want something they were not going to get it. Council Members Edwards, Wiseman, Holm, Ellis, Green and Berry absent.

Council Member Goldberg stated that many times Council Members would get overlays in their district and they did not ask for it or get notice of it and sometimes he had streets a lot worse than those being overlaid; that he asked Public Works, and for the most part they complied, that anytime they do overlay he gets notice and he had made recommendations and completely changed their list; that also anytime a street was to be torn up he asked to be notified so when constituents called he would have correct information and he thought Council Members should be notified and he appreciated their notification. Council Members Holm, Ellis, Green and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. Ovide Duncantell for one minute after Ms. Marcia Laverne Smith, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Ellis, Green and Berry absent. MOTION 2004-0113 ADOPTED.

Ms. Ada Jones, 1563 Fashion Hill, Houston, Texas 77088 (281-591-0157) appeared and spoke against street overlay in the neighborhood, stating that Ms. Anderson was now present to speak also and that she was president of the Willowrun Civic Club and was concerned with their neighborhood; that they were in the Neighborhood to Standard and she was working with Ms. Judy Butler and the overlaying they did not need, they had good concrete streets and would like the money spent somewhere else like those streets which needed it; that she called her

Council Member and it was stopped, but then it was started again another day; that what they needed was speed humps, that Council Member Galloway said nine out of ten people wanted the overlay, but she had a petition to present stating otherwise. Council Members Wiseman, Ellis Green and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Ada Jones to speak, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Wiseman, Ellis, Green and Berry absent. MOTION 2004-0114 ADOPTED.

Ms. Jones stated that many park on the street and she felt they should be notified when they were going to overlay and they wondered if the overlay could be taken up and if money could be used elsewhere in the neighborhood; and Mayor White stated that he appreciated the information. Council Members Wiseman, Ellis, Green and Berry absent.

Ms. Marcia Laverne Smith, 1435 Fashion Hill, Houston, Texas 77088 (281-445-0031) appeared and spoke against street overlay in the neighborhood, stating that she thought their street was okay, it was cement and there were no pot holes; that she supported what was said, but she was mainly concerned about their water, she could not even brush her teeth with it any longer and it was annoying to not be able to use your own water and have to go buy it; that a workman came out and said he did not smell anything and she thought he was insulting. Council Members Wiseman, Ellis, Green and Berry absent.

Ms. Sandra Anderson, 1807 Winder Bay, Houston, Texas 77088 (713-447-0347) was recalled and appeared and spoke against street overlay in the neighborhood, stating that many had already said what she wanted to say about the streets, they could not imagine asphalt being poured over cement; that one main concern was the sewer problem, every time it rained hard raw sewage came up in her commode and tub and she was told she lived at the end of the line and would always have the problem and everyone on her street had the problem; that it was a health hazard. Council Members Wiseman, Ellis, Green and Berry absent.

Council Member Lawrence moved that the rules be suspended for the purpose of allowing additional time for Ms. Sandra Anderson to speak, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman, Ellis, Green and Berry absent. MOTION 2004-0115 ADOPTED.

Ms. Anderson stated that they unscrewed the white cap in her backyard and the next time it rained toilet paper was all over her back yard and when she called they told her did she want it in her backyard or in her tub, but neither was satisfactory to her; and asked that the sewage system please be fixed. Council Members Wiseman, Ellis, Green and Berry absent.

Mr. Ovide Duncantell, 8002 Crestwick, Houston, Texas 77083 (281-561-6606) appeared, presented a letter to Council Members and stated that he was back with the same situation; that he had a judgment by a judge for the city to stop harassing them from having the Martin Luther King Parade as they had joined Ms. Johnson, a wealthy White individual, who won the other parade; that they were trying to make it look like there were two Black men fighting one another over the parade and it was not the truth. Council Members Ellis, Green and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of extending time for Mr. Ovide Duncantell to speak, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Ellis, Green and Berry absent. MOTION 2004-0116 ADOPTED.

Mr. Duncantell stated that they ran a legitimate parade authorized and licensed by the Dr. King Foundation and the other organization could not do that; that Mr. Bibler, Ms. Toni Robinson and people in the Public Engineering Department used every trick in the book to try and get them out of the game and he wanted what was right and wanted Ms. Johnson out of

their business. Council Members Ellis, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Bibler stated that this was the same problem they had for years, they had two organizations who wanted to hold a parade on the exact same streets at the exact same time and so in response to that they drafted an ordinance which said when that happened they would try and resolve the two groups difficulties and if they could not they would file a lawsuit and let the judge decide which one would get the parade where; that for some years they got along, but there was a great deal of hostility between them and they held an informal hearing in the process last week and he was told it evolved into the two groups calling each other rather ugly names and security guards had to be brought out to get one of the groups to leave the building; that the next process would be next week with the formal hearing where they would recommend a solution and if they could not agree a lawsuit would be initiated and they could both tell their stories to the judge. Council Members Ellis, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Duncantell stated that he was willing to come to the table to find a solution, but he wanted Ms. Johnson to come with the same attitude. Council Members Ellis, Green and Berry absent.

Council Member Khan stated that it was a bad image to have two parades at the same time and it spoiled the spirit of what Mr. King was all about and he thought Council Members should show some leadership and he would support bringing the groups together as Council Member Edwards suggested. Council Members Edwards and Green absent.

Council Member Galloway moved that the rules be suspended for the purpose of hearing from Ms. Vera Snelgro, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2004-0117 ADOPTED.

Ms. Vera Snelgro, 8606 Old Ledge Lane, Houston Texas 77088 (281-931-0016) appeared and stated that she was speaking on destruction of property, complaining on those who picked up heavy trash. Council Members Edwards and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Vera Snelgro to speak, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Edwards and Green absent. MOTION 2004-0118 ADOPTED.

Upon questions by Council Member Galloway, Ms. Snelgro stated that on the last heavy trash pickup day seven garbage trucks continually made the block from 3:45 p.m. to 5:00 p.m. and one damaged her property. Council Members Lawrence, Goldberg and Green absent.

Mayor White stated that Mr. Fontaine was right behind her and Ms. Coffee with Solid Waste was also present and they could get her information, thanked her for coming; and apologized for what happened. Council Members Goldberg and Green absent.

Mr. Leroy Flowers, 8618 Easter, Houston, Texas 77088 (281-447-3301) appeared and stated that he was president of the Montgomery Terrace Civic Club and was present requesting the same as the past 20 years and that was installation of a signal light at the intersection of the 9500 block of West Montgomery Road at the 2500 block Ellington; that it was difficult for residents to get out of their subdivision during rush hour because of the extra traffic on Montgomery and the two nearby schools; and urged that something be done before life was lost. Mayor White, Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Mr. Fiederlein with Public Works was present and could speak with him at this time. Mayor White, Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.



Council Member Galloway stated that it had been reported and she did not know why it had not been evaluated, but Public Works representative could speak with him. Council Members Goldberg and Green absent.

Ms. Elease Lewis, 6515 Bayou View Drive, Houston, Texas 77091 (no phone) appeared and stated that she needed to discuss the backed up water coming off TC Jester into the White Oak Terrace Subdivision into the backyards on Ashton; that she personally was having problems with her water bill as one month it was \$90.00 then \$60.00 then \$40.00; that the month before it was \$8.50 and now \$40.00 again and there was usually one person in the house, sometimes just two; that she did not believe she used that much and felt someone was not reading the water; that she was told they were but when she looked there was an ant bed about a foot tall over it. Mayor White, Council Members Lawrence, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that someone would visit with her in a moment after the Council Members spoke with her. Mayor White, Council Members Lawrence, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Berry thanked Ms. Lewis for coming and stated that Council Member Wiseman spoke on the same thing last week; that he hoped the Mayor could get this on his Agenda as a couple of years ago they felt there was a problem with water billing and did their own audit receiving over 100 E-mails and many said their meters were caked, etc., and had not been looked at in a longtime and the concern was if you did not pay it was shutoff so there was no recourse and he felt the same as Council Member Wiseman and that was an audit was needed, but he did hope someone could help her during this time. Council Members Lawrence, Holm and Green absent.

Council Member Galloway stated that Ms. Lewis should send her the last three water bills and she could follow-up with some investigation. Council Members Lawrence, Holm and Green absent.

Council Member Edwards stated that the problem Ms. Lewis spoke of was repeated throughout the urban community and it dealt a lot with the drainage issues and would like to work with Council Member Galloway to see how she handled it so they could see how to move forward. Council Members Lawrence, Holm and Green absent.

Council Member Wiseman stated that she would echo comments by Council Member Berry with respect to problems that were pervasive and did need to be addressed in a manner in which the public would feel the city was being held accountable and if water was not used no one should have to pay for it; and if there was a reason a meter could not be read and it was being averaged then the customer should be made aware of it. Council Members Lawrence, Quan and Green absent.

Council Member Berry stated that they had reason to believe there were problems in the billing system with some homes vacant getting \$500.00 and then \$10.00 water bills and some of his staff went out to look at meters and nine out of ten cases had meters caked over and clearly had not been read, yet when calling the department they were told the meter was being read monthly and in fact it was not; and somewhere in the Mayor's priorities he would like that issue taken up; and Mayor White stated that he would ask Mr. Fiederlein to make sure that went on an Agenda between Mr. Vanden Bosch and himself; that he wondered if the trunk lines could be looked at, if a pilot project could be done; that maybe another system could be used and he would be interested if someone could come up with a better way to get the information. Council Members Lawrence, Quan and Green absent.

Council Member Wiseman stated that she would ask if the issue could be placed on the

Agenda for the Transportation, Infrastructure and Aviation Committee; and Council Member Berry stated that at their meeting on the 12th he would be glad to at least be briefed and thought the Mayor's idea was outside the box, but on the short-term he felt they needed to be able to trust the integrity of the meter reading system. Council Members Lawrence, Quan and Green absent.

Council Member Goldberg stated that probably the reason they were having the problems was because Ms. Phillipe was no longer with the City; that she was an outstanding employee; that she had an important position and he hoped whoever filled it was up to her standards. Council Members Lawrence, Quan and Green absent.

Ms. Clementine Siner, 1071 Marjorie, Houston, Texas 77088 (281-999-2853) appeared and stated that she was interested in Beall Street between Tidwell and West Montgomery; that two years ago it was on the CIP to be repaired and sidewalks were placed, but the street was so narrow that cars parking on the street also parked on the sidewalk; that the street needed widening and the sidewalks repaired; that on Davidson there was a church and across the street was a weeded lot and at least two mutilations in the area and people were afraid and they needed the lot cut; that the City was cutting some lots there and they now had a problem with rodents and possums as big as dogs getting into homes and when she called the City was told they did not go into the home and it had to be killed and put out for them. Council Members Lawrence, Quan and Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Ms. Clementine Siner to speak, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Lawrence, Quan and Green absent. MOTION 2004-0119 ADOPTED.

Ms. Siner further stated that a lot of homes needed repair and when property was cut the homes got the problems; that also when weeds were cut it left standing water for mosquitoes and when they came to cleanout the ditches she said there was still stuff stuck in the pipes but was told a truck would be out to blow out the pipes and it would stop the flooding, but everything they pulled out was still sitting on their property and no truck ever came. Council Members Lawrence, Wiseman, Quan and Green absent.

Upon questions by Council Member Galloway, Ms. Siner stated that she called 311 and reported the situation but did not get a project number. Council Member Galloway stated that her staff would get the information and check on it. Council Members Lawrence, Wiseman, Quan and Green absent.

Upon questions by Mayor White, Ms. Siner stated that it was approved to widen Beall and she felt that was the logical thing to do and then place adequate sidewalks. Council Members Lawrence, Wiseman, Khan, Alvarado and Green absent.

Ms. Ann Johnson, 310 Proswimmer, Houston, Texas 77088 (713-447-4066) appeared and stated that she was a representative of Garden City Park Civic Club and they had streets needing repaired such as Lonallen, Cliff Marshall, Proswimmer, etc., and abandoned houses needing repaired and would appreciate the repairs being taken care of. Council Members Lawrence, Khan, Alvarado and Ellis absent.

Mayor White thanked Ms. Johnson for coming and stated that there was a representative from Planning present and thought that Mr. Tinnermon could give him information on the lots as to where they stood in the overall program. Council Members Lawrence, Khan, Alvarado and Ellis absent.

Ms. Ruby Bennett, 744 Boeneman Drive, Houston, Texas 77091 (713-697-1709) appeared and stated that she was president of the Green Meadows Civic Club and was present

to speak on several issues; that she had talked with Mr. Ross and Ms. Coffee and they were working with her on the tires so she would not burden Council with that, but they had an abandoned house they tried to get torn down for years and they had rats the size of dogs and possums coming out of it; that Neighborhood Protection said they would tear the house down but kept giving excuses and next to the house was a lot with weeds over her head; that last week a city truck came and dug a big deep hole in her front yard and left it all muddy, etc., and she was concerned about the schools as water stood all around on Lovers Lane, De Priest, Dillard and Tuskegee when it rained and the culverts were stopped up and trash was all around. Council Members Lawrence and Alvarado absent.

Ms. Cynthia Scott, 8607 White Castle Lane, Houston, Texas 77088 (281-447-1730) appeared and stated that she thanked Council Member Galloway as the neighborhood got what they asked for, they did get help with their water but now it was no good; that the City purchased Aqua Source but it was terrible water and the tub and toilet had rings and you could smell the water; that it was a health issue and the waste did not float in her backyard but it was the same community, the Willowrun Subdivision; and today she was asking for the Mayor and Council Members to go out and look at the issue. Council Members Lawrence and Alvarado absent.

Council Member Green moved that the rules be suspended for the purpose of extending time for Ms. Cynthia Scott to speak, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Lawrence and Goldberg absent. MOTION 2004-0120 ADOPTED.

Ms. Scott stated that water and sewage stood in the driveways and something needed to be done; that there was also no way she could use 10,000 gallons of water a month and their meters were not being read and she had people check to see if there were leaks in the lines and she needed to know the process so something could be done. Council Members Lawrence and Goldberg absent.

Council Member Galloway stated that the Mayor committed to have the water checked out and they were definitely going to do something about it; that when the City purchased Aqua Source she was told a lot of infrastructure would have to go along with it and it would take three or four years and a follow-up did need to be done and the water should be checked to see that it was not harmful. Council Members Lawrence, Goldberg and Berry absent.

Council Member Edwards stated that she was glad Ms. Scott came and spoke out and that the backing up of sewage into sinks, tubs, etc., was an ongoing occurrence and that was why some fought so hard for the drainage fee and a plan did need to be in place and she would like to know if she would like to be a part of the community stakeholders ad hoc group they were putting together; and Ms. Scott stated that she would. Council Members Lawrence, Goldberg and Berry absent.

Council Member Ellis stated that the lines were backing up because there was a problem with the sewage line and when the storm drainage flowed into it it then backed up and that meant it was broken somewhere and the Water and Sewer Enterprise Fund should cover that now; that her water was not clean with Aqua Source either. Council Members Lawrence, Goldberg and Berry absent.

Council Member Galloway stated that the community was annexed to the City so the City did not do the infrastructure. Council Members Lawrence, Goldberg and Berry absent.

Mayor White stated that it was the right thing to come down and he was learning on the job; that there were a fair number of capital improvements funded through the water sewer fund and the Federal Clean Water Act addressed such problems and he could not understand why the City would not put at the top of its list of capital improvements things necessary to take care of it; that on Friday he hoped he would understand the process and he thanked Ms. Scott for coming and speaking out. Council Members Lawrence and Berry absent.

Council Member Garcia stated that in walking the neighborhoods Independence Heights and places included in the city almost at the inception of the city continued to have the same problem; and Mayor White stated that everyone knew all crime could not be prevented and they would not be able to secure all drainage problems with infrastructure built up over 100 years, but he could not understand why they could not have clean water. Council Members Lawrence, Holm and Berry absent.

Ms. Jewel Houston, 2026 Ferguson Way, Houston, Texas 77088 (281-447-2925) had reserved time to speak but was not present when her name was called. Mr. Albert Brewer appeared and began to speak. Council Members Lawrence, Holm and Berry absent.

Council Member Garcia moved that the rules be suspended for the purpose of substituting Mr. Albert Brewer for Ms. Jewell Houston, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Holm and Berry absent. MOTION 2004-0121 ADOPTED.

Mr. Albert Brewer stated that he was a member of the Ferguson Street Area Civic Club; that he was present as Ms. Houston was ill and they had some real concerns, their neighborhood was placed into the Neighborhoods to Standard Plan in 2000 but improvements were not completed as some streets still needed to be overlaid; that they also had a dumping problem and bad drainage and a dangerous intersection at Wheatley and Ferguson Way. Council Members Lawrence, Holm and Berry absent.

Upon questions by Council Member Galloway, Mr. Brewer stated that Ms. Houston called 311 to turn in the problems and he would leave a list of the problems with her staff. Council Members Lawrence, Holm and Berry absent.

Ms. Dollie Himes, 8611 White Castle Lane, Houston, Texas 77088 (281-448-0361) appeared and stated that she apologized for being repetitive but was present with the concern of having their concrete streets overlaid with asphalt; that they did not want the overlay and they wanted it removed and the money allocated for cleaning and dredging out Bayou Creek and the stem off White Oak Bayou; that her home flooded and she and her neighbors wondered if it would flood every time it rained. Council Members Lawrence, Garcia and Berry absent.

Council Member Galloway moved that the rules be suspended for the purpose of extending time to question Ms. Dollie Himes, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Garcia and Berry absent. MOTION 2004-0122 ADOPTED.

Council Member Galloway stated that the bayous were the County and they handled the flood control, the City was not responsible but they could look into the drainage and make sure that was not stopped up. Council Members Lawrence, Garcia and Berry absent.

Mr. William Bridges, 8511 Cottage Gate, Houston, Texas 77088 (281-448-5897) appeared and stated that he lived in Willowrun and he was happy with the City improvements including the street overlay; that everyone had their own opinion, but it looked good to him and he considered it an improvement. Council Members Lawrence, Garcia and Berry absent.

Mrs. Jessie Bridges, 8511 Cottage Gate, Houston, Texas 77088 (281-448-5897) appeared and stated that they had no problem with the overlay; that their whole street was overlaid and it looked good and she appreciated it. Council Members Lawrence, Garcia and Berry absent.

Council Member Galloway stated that the petition presented stated that the civic club spoke for the community; and upon questions Mrs. Bridges stated that she was not a member of the civic club and saw no reason to be; that she spoke for herself and did what she needed to

do. Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent.

Mayor White stated that there was an issue that had just come up and required his immediate attention and he did not know every concern on the Agenda, but he and Council Member Edwards had discussed Super Neighborhoods and had good advice being followed-up on; that if he did not hear a presentation he would guarantee the citizens he would keep apprised of it personally and as well as Council; that he and the Mayor Pro Tem talked daily concerning the matters. Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent.

Mr. James Smith, 1534 W. Donovan, Houston, Texas 77091 (713-688-0269) appeared and stated that he was vice president of Super Neighborhoods and today was also representing his civic club and was speaking regarding a landfill north of the community; that he had been present a number of times asking for a drainage ditch to relieve flooding; that the Health Department said they could do nothing as it was on private property; and he would like some answers. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that someone with Citizens Assistance would meet with him at this time and see what could be done; and Council Member Galloway stated that her office would follow-up. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Ruby Mosley, 862 South Victory, Houston, Texas 77088 (281-447-6095) appeared and stated that she was present regarding the housing repair program which had been in place for a number of years and one she worked and volunteered with; that there would be problems with any successful program one may have especially in taking care of the needs of the city, but you did not stop the program you corrected them and kept going; that she was asking for the Mayor to appoint a Council At Large to chair a committee consisting of and not limited to representatives of each single member district to work with the City Housing and Community Development Program so they could move forward with the Housing Repair Program; that it irked her to put in for a new roof, etc., for someone and be told it could not be done when she knew there were local funds available. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway moved that the rules be suspended for the purpose of extending time for Ms. Ruby Mosley to speak, seconded by Council Member Edwards. All voting aye. Nays none. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0123 ADOPTED.

Ms. Mosley stated that when contractors were hired they should be bonded, certified and qualified and if subcontractors were used they should be the same and she was again asking for a committee of not less than members from each of the nine single member districts and that they sit with Housing and Community Development and look at the issues, see why it was at a standstill and then move forward. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that the Housing Committee was reestablished by the Mayor and some of what she spoke of should be covered by that committee; that it did not cover every district representative, but some and the first meeting was February 17th at 9:30 a.m. in the Council Chamber and her office would make sure she was notified. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she thought there was a misunderstanding of what Ms. Mosley was requesting; that she felt she wanted a representative of each area, a citizen, to

be on the committee for input and suggestions; and Ms. Mosley stated that they realized Council Members could not be everywhere and would like a representative of each district and then that representative could give the Council Member feedback; and Council Member Galloway stated that she felt they should consider that suggestion. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm moved that the rules be suspended for the purpose of remaining in session beyond the scheduled 5:00 p.m. recess, seconded by Council Member Edwards. All voting aye. Nays none. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0124 ADOPTED.

Council Member Edwards stated that she would like Ms. Mosley to list some of her concerns and possible solutions and submit that to the committee; and Ms. Mosley stated that she would do that. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Clara McCoy at this time, seconded by Council Member Green. All voting aye. Nays none. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0125 ADOPTED.

Ms. Clara McCoy, 6526 Ashton Street, Houston, Texas 77091 (713-686-8726) appeared and stated that she was present regarding water draining on her property; that the flooding was due to improper grading of property directly behind her and she had talked to almost everyone in Planning and Development and Permitting and had six sheets of information so she would not have to go into detail; that she had confronted the man doing the work who agreed it would flood her property and she confronted the woman who authorized the work and she said for him to continue and she was not changing the way it was to drain; that she talked with Mr. Jack Knudson, Council Member Galloway, Mr. Kenneth Starling, Mr. Reed, Mr. Litke, etc. Mayor White, Council Members Lawrence, Goldberg, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that her staff member was present and she would like her to hand him the list of information and then they would also make a copy for the Mayor. Mayor White, Council Members Lawrence, Goldberg, Garcia, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles Ingram, 5503 Mountwood, Houston, Texas 77091 (713-681-4206) appeared and stated that he was president of the Acres Home Citizen Council, president of his civic club, a member of the Super Neighborhood, etc., and today they were present because it was a new Administration and they wanted to express their concerns; that they had 48,000 plus people and 17 civic clubs and were having problems with progress; that vegetation was replaced with cement and it flooded and they had gone 99 years with no flooding; that it made sense when you replaced vegetation with cement you would place a retention pond and widen or deepen the bayou; that this was a bayou city and drainage had to be allowed for; that Mayor White himself said he did not see why they were dealing with other matters when they should be dealing with clean water, drainage, flooding, etc. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she knew some of those issues would be a priority in Council Member Edwards committee. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green moved that the rules be suspended for the purpose of extending time for Mr. Charles Ingram to speak, seconded by Council Member Garcia. All voting aye.

Nays none. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0126 ADOPTED.

Mr. Ingram stated that they were going to overlay a street which might need it in three years, but there were other streets that needed it for the last 10 or 12 years; and urged Council Members to go to Willowrun and look at their cement streets. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that one problem with the whole issue of overlay was that when you overlaid where there were no curbs and gutters all you did was build up the street and it began flooding into the yards; that in her district they did not overlay some streets because it would just exacerbate the problem and that spoke once again of the commitment the City had to make as far as what their short-term goals would be. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Felicia Diberell, 7245 Scott #703, Houston, Texas 77021 (713-849-1205) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mrs. Gwendolyn Crawford, 3114 Gray, Houston, Texas 77004 (713-631-1813) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Buck Buchanan, 7831 Barnhill, Humble, Texas 77338 (281-446-0303) appeared and stated that he had lived in his home 19 years and now experienced the opening of the new runway at Bush Intercontinental Airport; that they contacted Mr. Rick Barrett and Mr. Tom Bartlett who worked for the City and asked them to come and see the planes flying over at 300 feet and they came out and Mr. Bartlett said they did not want to be good neighbors they had FAA guidelines to go by; that he had attended the meetings and the runway was never to bother their homes, but it came out another 750 feet north and pointed right to their homes; that in his front yard it was 90.0 and 128.9 decibels and he was inviting anyone who worked for the City and believed in treating people right to come on out; that they may not live in the City of Houston but they did have a right to be treated fairly; that they had about 800 people to protest the airport during Super Bowl, but Mayor White asked that the City shine and there was even a picture of him telling a guy he just got a new job so they called it off in respect for that, but they could not put up with this and were asking for a fair shake and asking for someone to come out; that he did not live in the City of Houston but the airport was in the City of Houston and they needed help. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Mr. Rick Barrett was present and could speak with him; and Mr. Buchanan stated that he had been speaking with him and that was why he came to speak with someone else. Mayor Pro Tem Alvarado stated that they would make sure his comments were directed to them. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Chad Brooks, 6953 Rock, Houston, Texas 77087 (713-248-4030) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Mary Roberts, 5113 Kenilwood, Houston, Texas 77033 (no phone) had reserved time

to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Larry Wangelin, 2510 Southwick, Houston, Texas 77080 (713-934-9855) appeared, presented pictures for viewing and stated that he moved to the Houston area in October 2002 and within two weeks his home received flood damage, then in November it happened again and he found out from his neighbors the problem had been going on for the last three years; that they called 311 and the crew was dispatched to check the drainage and they were either told at the time there was no problem or it was a County problem; that after watching a crew open a fire hydrant and let the fire hydrant run about 30 seconds and leave he went and checked himself and the pictures showed there was damage going into the bayou. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Mr. Fiederlein was present and would visit with him and they would try and determine the source of the problem. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Ellis thanked Mr. Wangelin for bringing the pictures and stated it showed they were having a storm drainage problem in his area; that the pipes were closed and it took a lot longer for water to go through; and Mr. Wangelin stated that in November during the last flood people were canoeing. Council Member Ellis stated that the pictures showed a simple solution, the pipes were closed and he wondered how it happened; and Mr. Wangelin stated that by talking with the County he ascertained it was from the County lawn crews running them over. Council Member Ellis stated that it should be a simple solution that did not require enormous amounts of capital if crews would go and inspect and he would ask that the pictures be forwarded to the Mayor. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he was on the Drainage and Flooding Committee which Council Member Edwards chaired and on the Fiscal Affairs Committee which Council Member Ellis would give leadership on and he wanted to reiterate his comments and Mr. Wangelin was one of may which had gotten his ear and that was why he wanted on the committee and thanked him for enduring a long day to make his point. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards thanked Mr. Wangelin for bringing the issue as graphically as he had and stated that one commitment the City needed to make was pro-maintenance which was a serious issue for the budget, but it had to be done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles X. White, 8607 M.L.K., Houston, Texas 77047 (713-734-4370) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Marlene McNeese-Ward, 3000 Trulley, Houston, Texas 77004 (713-659-8630) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Joe Denver, P. O. Box 631263 (281-556-9326) had reserved time to speak but was



not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Ronnie Samms, 237 Malone, Houston, Texas 77007 (713-974-0101) appeared and stated that his problem seemed trivial in relation to others he heard today, but he did hear about Public Works and that was like a tank and just kept going until someone stopped it and he found sometimes you just had to step in front of a tank; that his problem was a 100 foot ditch and it was his contention that Public Works was adding to the flooding problem by needlessly removing the vegetation from his ditch and that they were violating an ordinance doing so; that the water flowed perfectly fine, but the ditch had been dug out three times and now the end of it was six feet; that he read literature from FEMA on flooding which said the integrity of creeks, bayous and channels was partly attributable to the success of the districts vegetation establishment and everyone knew grass prevented erosion and debris from flowing into the sewers. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Ronnie Samms to speak, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0127 ADOPTED.

Mr. Samms stated that he just wanted to be heard. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she could not speak to his frustration because she did appreciate it, but she would speak as the chair of the committee and one thing was the community needed to be heard on flooding and drainage and would suggest having a Saturday hearing at City Hall from 11:00 a.m. to 3:00 p.m. and they could park for free; that she was willing to come and hoped her colleagues would as well; and upon questions, Mr. Samms stated that he was willing to come. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that it sounded like Mr. Samms was talking about common sense and using resources more effectively. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm stated that Mr. Samms property was in her district and she thanked him for coming down; that they had met with him and Public Works and at this point Public Works had a different opinion and she appreciated his endurance in going through the process and welcomed Council Member Edwards to continue the process to see that there was resolution and at the conclusion no matter what it was there would be an understanding of how people fit into a picture and why they had to come to the conclusion that they did. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he seconded what Council Member Edwards was suggesting and welcomed an open forum at City Hall and also suggested that besides inviting people to bring their complaints that she also invite experts to bring their solutions; and Council Member Edwards stated that she believed 90% of the solutions were in the community and they only needed the venue to hear them. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Patrick Titus, 2630 Druid, Houston, Texas 77009 (713-686-4410) had reserved time to

speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Doug Anderson 1502 Pech #7, Houston, Texas 77055 (713-465-8681) appeared and stated that he was present to speak about CIP Project SB9094 within the Spring Branch area which was to widen a small portion of Pech Road from two lanes to four lanes, specifically between Long Point and Westview; that it was a very small piece of road going from nowhere to nothing and in speaking to the 14 property owners within that section the overwhelming majority were in opposition to it; that there was no congestion problem and was in fact a solution in search of a problem; that he and his family purchased a small apartment project on Pech with beautiful frontage of mature trees and brick and an iron fence and the trees would be cut down. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia moved that the rules be suspended for the purpose of extending time for Mr. Doug Anderson to speak, seconded by Council Member Ellis. No vote was recorded as a quorum was not present. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Anderson stated that schools were on Pech with an athletic field on one side and classes on the other side and children would need to cross four lanes instead of two if it were widened; and he was simply asking for the City to use the money someplace else, they had a chance to save money and protect children and leave Houston more beautiful. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Mr. Fiederlein was present and could speak with him at this time; that she understood the County was also involved, but he could work with him. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-8358) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was President of the U. S. and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (no phone) appeared and stated that you could not fight power or exchange for power; that he wanted his car back and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, 2000 Carlton Parc #7, Houston, Texas 77063 (281-435-0779)

appeared and stated that helicopters were flying in to see the problem with Spur 527 and they would love them flying into the Wards and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:55 p.m. City Council recessed until 9:00 a.m., Wednesday, February 4, 2004. Mayor White, Council Members Lawrence, Galloway, Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 4, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, February 4, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office, Ms. Sara Culbreth, Deputy Chief Administrative Officer, Mayor's Office; Ms. Susan Taylor, Acting City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:17 Mayor White reconvened the meeting of the City Council and stated that the first order of business was the Monthly Financial Report. Council Members Goldberg, Garcia, Quan and Berry absent.

## **MAYOR'S REPORT**

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller

Ms. Annise Parker, City Controller, stated that she was pleased to present the Monthly Financial Report for the period ending December 31, 2003, that they were now half way through Fiscal Year 2004, that their budget picture had been improving slightly with each passing month and this month was no different, they currently projected a budget shortfall of \$5.9 million, it was down \$2 million from November 2003 and the main reason for the change was an increase in their projections for sales taxes and gas franchise fees, that they now projected annual sales tax revenues of \$329.5 million, it was \$1.5 million higher than November 2003 that their projection was based on higher than anticipated year to date receipts, they had not yet received the February sales tax check from the State Comptroller, the check would arrive February 13, 2004, they would know how much it was on February 11, 2004, or one week from today, that they were anxious for the check because it would be for taxes collected by retailers in December, the busy holiday shopping period, so they had not been able to fully take that into account in their projections, based on the upward trend they had noticed in the last four months, however, they expected sales tax revenues in the second half of the fiscal year to exceed last years receipts by about 2%, that they were also projecting a 9% increase in gas franchise fees and that brought their estimate for that revenue up to \$17 million or an additional half million dollars more than they projected in November, the reason for that was simple, natural gas prices were up, there had been two rate hikes since September, usage was up due to colder weather, and as they moved to the second half of the fiscal year there were several revenue sources that they were watching closely, for example, they did not see any reason to expect that Municipal Courts would meet its projection of \$46.2 million in fines and forfeitures, they were also concerned about whether the number of portability would further impact declining telephone franchise fees, that finally there was a half million dollars that they were supposed to receive from the Houston International

Festival and now that the festival was moving to Reliant Park they would not be seeing any of that special events money and in response to questions yesterday they did look back through their records and did not see a projected corresponding decrease in police expenses or other City expenses for that loss of revenue, that barring any other further unforeseen increases in revenue there would likely have to be some additional control on the expenditure side of the ledger, but \$6 million was certainly manageable and they expected that to be handled over the next few months, that she would proceed with the Quarterly Investment Report for the quarter ending December 31, 2003, that as of December 31, 2003 the City had approximately \$2.1 billion invested in 8 different investment pools, that the largest pool was the General Pool with a balance of approximately \$1.5 billion, it was currently earning a yield of about 2.5%, of their remaining investment pools, three of them were exclusively used as construction funds, which were for the Airport System, the George R. Brown expansion and the new Convention Center Hotel, those pools in total contained about \$500 million, which were down from about \$615 million the prior quarter, that the decline in the size of the investment pools was due to spending on construction projects, that the remaining investment pools were smaller in amount and did not significantly change from the prior quarter, that on the subject of interest rates, there had been some indication from the Fed that they would moderate soon, they were trying to maintain a shorter time period on their investments so they could take advantage of any increase in interest rates, but they were in the near term not particularly optimistic.

Ms. Judy Gray Johnson stated that now that they had the General Fund Revenues they had made a few changes, they lowered their estimates for electric franchise revenues and telephone revenues as well, that was offset somewhat by an increase in their estimate for the natural gas franchise revenues, that the net of all of those adjustments was that they had lowered the total estimates by \$4 million from the amounts that were projected a month ago, that they had not changed any of the other revenue estimates and some of those they were starting to see a trend that they were going to have to watch but property taxes, for example, the due date was Monday so that they would, in the next couple of weeks, have a lot better information as to what payments were made on a timely basis so that they would be updating the property tax projection for next months report and there was no reason to update it this time because they would have so much better information in the next couple of weeks, that as the Controller mentioned on sales tax that was very much the same thing, next Wednesday they would know the biggest check of the year and would hope it would be a pleasant surprise, if it was a surprise at all, that their projection for the rest of the year assumed that they would have 3.6% increase from the same month of the previous year, it was a little bit higher than the estimates that the Controller's office was using, they seemed reasonable considering the improvement in the economy they had seen recently, however next month's check would really tell them whether that was the truth or whether they needed to be more cautious, that they had not changed any of the expenditure estimates since last month, they were going to be doing a very active review of all of the expenditure estimates in the next couple of weeks so that they would have a real good number of what they thought was happening in terms of the trends of what the departments were spending now that they had a full six months of data.

Council Member Sekula-Gibbs stated that she wanted to ask a question that related to something the Controller stated, she was in one way hoping that interest rates might increase so that they could capitalize on that with their investments, but there was something looming out there, which was the refinancing of the Water Sewer Debt that they had considered as part of the drainage package that was contingent upon a very low interest rate that they would capitalize in on kind of a reciprocal fashion and wondered if they were moving in that direction still or if it was even on the table any more.

Mayor White stated that for a couple of years the yield curve had been, by historical standards, pretty steep, which meant that their short term rates were low and there was a spread between the basis points on the short term rates and the long term rates, and he thought that the reference was to the short term rates, and Ms. Parker stated that yes, she stated that they were keeping their money invested fairly short so that they could take advantage if they began to go up but the yields were so low on everything they had right now it was not a big issue.

Mayor White stated that on a separate issue, that he and the Director of F&A and the City's financial advisor did go over certain scenarios and was something that he would like to make some decision of the direction of in February, that he sent a memo to have a follow up meeting to determine to what extent they could get some of the savings for the restructuring and they had been looking at different scenarios.

Council Member Sekula-Gibbs stated that she was concerned about the Houston Emergency Center not billing for or allowing the EMS service to bill for mileage and was pleased to report that a correction was made in the IT area and they were now billing for mileage and going retroactively and making those statements current and they were correcting it and they should see some increase revenue coming in from that.

Council Member Sekula-Gibbs stated that there still was an issue that was not corrected and that was that they were not getting their incident reports yet and when the HEC went on line for some reason they stopped getting incident reports, that for some strange reason that data was not getting to them and understood that Mr. Gary Gray, F&A, was fully aware of that and said that was an area that was being addressed and make take 90 days, so she would just ask F&A, the HEC center and IT to please keep on that problem because it did need to be corrected.

Council Member Sekula-Gibbs stated that on page 36 she wanted to call everybody's attention to an important but often unrecognized issue and that was in the Health Department, that the department had their funding cut repeatedly in the last several years and they were seeing the consequences of that, that in the first trimester prenatal enrollments their average was 34%, which was too low to begin with, but now it was down to 26% and that meant of all the women who went through their system to have their babies only 26% were able to see one of their family physicians, obstetricians or nurse practitioners in the first trimester and they were slipping and part of that, she thought, was because Riverside continued to be closed, and Mayor White stated that they were moving in a direction, he thought, to reopen that clinic in a way that was within the City's budget.

Ms. Johnson stated that they had spoken earlier about the HEC center data reporting issue and they promised to give Council Member Sekula-Gibbs an update every two weeks, that they had a regular meeting to meet with the people from the technology group, as well as the HEC center to keep an update of what their priorities were and what progress was being made, that on the Health Department, the figures on 2004, on the right side, were actually slightly improved, they were not what they would like them to be, they were not meeting their goals but it was slightly better than the previous year.

Council Member Ellis moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0128 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 36, 27 and 28 out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0129 ADOPTED.

36. ORDINANCE approving and authorizing amendment No. 1 to the Airport Advertising Concession Agreement between the City of Houston and **JCDECAUX AIRPORT, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport - **DISTRICTS B - GALLOWAY and I - ALVARADO** – **(This was Item 28 on Agenda of January 28, 2004, POSTPONED BY MOTION #2004-0102)** – was presented.

Council Member Alvarado substituted the following written motion to amend Item No. 36:

"I move that Agenda Item Number 36 on the February 4, 2004 Agenda be substituted with a new Amendment No. 1 offered today at the table."

Note: See Motion No. 2004-0130 for content of new Amendment No. 1

Council Member Ellis stated that he was curious as to paragraph two on the second page and asked what year they were in presently, and Council Member Alvarado stated they were in the fifth year and Council Member Ellis asked if the agreement would not go into affect until next year and Mayor White stated that was correct and it reflected significant improvements to the proposal that was made, that the particular change would avoid the troublesome loss of revenues in the current year from the current contract term, that the current motion was to amend what was on the table, that he did recognize that there were some Council Members who may not have the benefit of a full briefing concerning the amendment, but would entertain, if the motion to amend passed, that they move to defer a week.

Council Member Edwards stated that she respected the work that had been done on the amendment but would like to tag the amendment so that she could have the opportunity to look at it further and moved to postpone Item No. 36 for one week, seconded by Council Member Lawrence.

After further discussion by Council Members, Council Member Edwards stated that she would remove her tag on the motion to amend Item No. 36.

A vote was called on Council Member Alvarado's motion to amend Item No. 36. All voting aye. Nays none. MOTION 2004-0130 ADOPTED.

A vote was called on Council Member Edwards motion to postpone Item No. 36. All voting aye. Nays none. MOTION 2004-0131 ADOPTED.

27. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section One, CIP S-0800-82-3 and R-0800-82-3 (DPC-30); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD.** - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards.
28. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water Distribution, Sewer Collection, and Storm Water Drainage Systems serving Clarke Springs Section Two, CIP S-0800-83-3 and R-0800-83-3 (DPC-33); approving and authorizing assignment of construction contract to **150 CLARKE SPRINGS, LTD.** - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Member Edwards.

#### **CONSENT AGENDA NUMBERS 1 through 31**

#### **MISCELLANEOUS** - NUMBERS 1 and 2

1. CONFIRMATION of the reappointment of the following to the Board of Directors of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)**:
  - MR. DON CLARK**, as Chair, for a term to expire December 31, 2004
  - Position 4 - **MR. TIM MYERS**, for a term to expire December 31, 2004
  - Position 5 - **MS. ARIELLE LAWSON**, for a term to expire December 31, 2004
  - Position 6 - **MR. STUART KENSIGNER**, for a term to expire December 31, 2005
  - Position 8 - **MR. WALTER GOFF**, for a term to expire December 31, 2005
  - Position 9 - **MR. STEVE ROCHELLE**, for a term to expire December 31, 2005

- was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0132 ADOPTED.
2. RECOMMENDATION from Director Human Resources to approve an eleventh 90 day period for pay differential for employees called to active duty status during a time of war

or state of emergency - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0133 ADOPTED.

**ACCEPT WORK** - NUMBERS 4 and 6

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$966,704.16 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for W. 43rd Street Reconstruction Project, GFS N-0718-01-3 (SB-9076) 02.73% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0134 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,216,648.70 and acceptance of work on contract with **E. P. BRADY, INC** for Construction of 48-inch Water Line along Hempstead Highway and FM 529 from Brittmoore Road to Jersey Village Pump Station - Contract 56B, GFS S-0900-71-3 (WA10644) 00.61% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0135 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 8

8. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and Postage Meter Rental from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$44,378.75 General Fund - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0136 ADOPTED.

**ORDINANCES** - NUMBERS 12 through 31

12. ORDINANCE consenting to the addition of 261.84 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-0080 ADOPTED.
13. ORDINANCE consenting to the addition of 11.413 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-0081 ADOPTED.
14. ORDINANCE issuing permit to **CITGO PRODUCTS PIPELINE COMPANY**, to own, acquire, construct, operate, maintain, improve, repair and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS B - GALLOWAY; E - WISEMAN; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-0082 ADOPTED.
15. ORDINANCE issuing permit to **OILTANKING HOUSTON, L.P.**, to own, acquire, construct, operate, maintain, improve, repair and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-0083 ADOPTED.
16. ORDINANCE issuing permit to **UNIVERSITY OF ST. THOMAS** for constructing, maintaining, using, operating and repairing telecommunication conduits and water lines within the 1300 block of Sul Ross Street and water lines within the 3800 block of Graustark Street, being public street rights-of-way of the City of Houston, Texas;

containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-0084 ADOPTED.

19. ORDINANCE awarding contract for Boiler and Machinery Insurance to **FEDERAL INSURANCE COMPANY**; providing a maximum contract amount - 1 Year - \$93,437.00 - Insurance Management Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0085 ADOPTED.
26. ORDINANCE appropriating \$7,192.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **AGNAR NIELSEN** for Construction of Sanitary Sewer Lines to serve development on Colquitt Avenue, CIP R-0802-15-03 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-0086 ADOPTED.
29. ORDINANCE appropriating \$3,775,559.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB., L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-A3-3 (WW4257-45); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-0087 ADOPTED.
30. ORDINANCE appropriating \$1,748,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS BRIDGE, INC** for Rehabilitation of Three Elevated Storage Tanks, GFS S-0600-31-3 (WA10596-31); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-0088 ADOPTED.
31. ORDINANCE appropriating \$4,980,000.00 out of Street & Bridge Consolidated Construction Fund to Reimburse the General Fund for the Rehabilitation of Concrete Pavement, CIP N0655-03-3 – was presented. All voting aye. Nays none. ORDINANCE 2004-0089 ADOPTED.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,592,411.99 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, INC** for Construction of Central Park Subdivision Storm Sewer Improvements, GFS M-0186-01-3 (M-0186-01) - 00.04% over the original contract amount **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Galloway.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$962,192.00 and acceptance of work on contract with **HORSESHOE CONSTRUCTION, INC** for Neighborhood Sewer Rehabilitation in Sims Bayou, GFS R-2011-25-3 (4764-1R) - 17.81% under the original contract amount - **DISTRICTS D - EDWARDS and I – ALVARADO** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Green.



## **PROPERTY**

7. ORDINANCE appropriating \$222,300.00 out of Airport System Consolidated 2001 AMT Construction Fund (548) to pay the amount of the Agreed Final Judgment and all costs of court in connection with the settlement of eminent domain proceeding styled City of Houston v. George H. Bishop, et al., to acquire Parcel Numbers EY1-007 and EY1-008, for the **RUNWAY 8L EXPANSION PROJECT at Bush Intercontinental Airport**; GFS/CIP A-0024 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-0090 ADOPTED.
- 7a. RECOMMENDATION from Acting City Attorney to settle eminent lawsuit styled City of Houston v. George H. Bishop, et al., Cause No. 734,883; for a total consideration of \$1,550,000.00 and pay all costs of court, in connection with the **RUNWAY 8L EXPANSION PROJECT AT BUSH INTERCONTINENTAL AIRPORT**; CIP/GFS A-0024 - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0137 ADOPTED.

## **PURCHASING AND TABULATION OF BIDS**

9. **AMEND MOTION #2000-1326, 11/1/00**, as previously amended by **2003-637, 6/18/03** and **2003-1354, 11/12/03, TO INCREASE** spending authority from \$4,025,375.00 to \$4,508,420.00, for Ford Motor Car/Light Truck Replacement Parts and Service for Various Departments, awarded to **TOMMIE VAUGHN MOTORS** - \$483,045.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0138 ADOPTED.

## **ORDINANCES**

10. **ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Temporary Food Service Establishments; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. ORDINANCE 2004-0091 ADOPTED.
11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Woodpoint Drive right of way containing 2.361 acres of land, more or less, Parcel S98-070A, vacating and abandoning Parcel S98-070A to North Harris Montgomery Community College District, the abutting owner, in consideration of owner's dedication of a 25-foot wide sanitary sewer easement, containing 1.181 acres of land, more or less, Parcel D98-040, all out of Kingwood Place, Section 12, William Massey Survey, A-342, Montgomery County, Texas; and owner's payment of all relocation costs of a 24-inch sanitary sewer line and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-0092 ADOPTED.
17. ORDINANCE approving and authorizing Safe Trucks Driven Safely Selective Traffic Enforcement Program Amendment, allocating additional Texas Department of Transportation funding to the program; declaring the city's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief or the Acting Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. ORDINANCE 2004-0093 ADOPTED.
18. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and the **HOUSTON CLEAN COMMISSION d/b/a KEEP HOUSTON**

**BEAUTIFUL** (Ordinance No. 03-1125) for Volunteer Weed Mowing and Debris Removal Services – was presented.

Council Member Galloway stated that she was excited about what they were going to be doing, that it was one of the target areas so she just wanted the support of all of her colleagues because they were going to be able to get rid of a lot of weeded lots in District B with the project, that she wanted to thank Keep Houston Beautiful and the Houston Clean Commission for working with them on it.

A vote was called on time No. 18. All voting aye. Nays none. ORDINANCE 2004-0094 ADOPTED.

20. ORDINANCE approving and authorizing contract between the City and **VITAL CHEK NETWORK, INC** for Remote Ordering Financial Services in the City's Vital Statistics Bureau – was presented. All voting aye. Nays none. ORDINANCE 2004-0095 ADOPTED.

21. ORDINANCE amending Ordinance No. 99-529 to increase maximum contract amount to contract between the City of Houston and **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments - \$468,000.00 - General, Enterprise and Fleet Management Funds – was presented.

Council Member Quan stated that in looking over the item he was really disturbed by the fact that in their previous contract Carrier Corporation was only able to do a 2% out of a 20% MQBE goal, that he knew they recognized that and thought it reflected also a concern about the department's ability to monitor the contracts as well, as they may know they were somewhat short of staff in the department as well, that he would like to tag the item to review it further and see what could be done to make sure it did not happen again.

Council Member Garcia stated that he wanted to reiterate Council Member Quan's comments that they should be monitoring the different contracts and their understanding was that they just did not have the staff to monitor the contracts, that he thought they had one person overseeing 600 or so contracts, that they were just not going to get it done that way.

Mayor White asked if the 600 contracts were within one contracting area, and Council Member Garcia stated that those were the contracts that had some oversight by the Affirmative Action office and what he was most concerned about was that they were approving final payment on contracts when they realized they had been non compliant with their goals, which basically they had done the work and were just telling them what they had not done and they were still paying them and there were some problems with that, that he forwarded some recommendations to the Mayor's office and Mayor White stated that he appreciated that.

Council Member Khan stated that he wanted to reiterate what his colleagues had said and would request the Mayor to look into the process because many small sub contractors had talked to him about the complaint that their names had been given as potential minority contractors to get sub contractor work and they were not getting it and nobody was monitoring that process at all, so if he would direct somebody to take a look at that and he would also, as part of the committee, he would request the committee to look into it and come up with some specific recommendations as to how they could make the process not only transparent, but affective, that there was no point of having a goal if it was not being monitored, and Mayor White stated that they would.

Council Member Galloway stated that they would be having MWBE meetings that day at 2:00 p.m. in the Council Chamber and they could get a better overview of what was going on and what had been happening and a report would be given so she would encourage all of the Council Members to attend so they could get a full understanding of the scope of what the

MWBE and Affirmative Action was.

Mayor White stated that he appreciated the advice of her committee concerning the issue that had been raised of people making representations concerning what they were doing, and not doing what they said they were going to do and making sure that they had the resources to have current information, that they looked forward to their recommendations on that. Council Member Garcia absent.

22. ORDINANCE appropriating \$145,478.00 out of Airport System 1998C NON-AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Section One, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-18.1; approving purchase and sale agreements with the owners of the land (Romain Barski and James K. Budd) **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0096 ADOPTED.
23. ORDINANCE appropriating \$249,155.00 out of Airport System 1998B AMT Construction Bond Fund; authorizing the purchase of certain tracts of land and improvements thereon, out of Greenview Manor Sections One and Two, and Hartland Acres, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; CIP A-0476-19.1; approving purchase and sale agreements with the owners of the land (James A. Drake, Allen Mac Miller and Delilah Jeanne Harper Miller, Michelle Sibaja and Iris Lopez, and Helen Tipton) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0097 ADOPTED.
24. ORDINANCE appropriating \$424,000.00 out of Houston Airport System Consolidated 2001 NON-AMT Construction Fund and approving and authorizing professional architectural and engineering services contract between the City of Houston and **RATNALA & BAHL, INC** for Extension of Taxiway “NC” from Taxiway “NG” to Taxiway “NJ” at George Bush Intercontinental Airport/Houston (Project No. 575); CIP A-0397 - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Goldberg. Council Member Garcia absent.

Council Member Edwards asked if any of the items had to do with the area where people had been coming around talking about the noise level, and Council Member Galloway stated that they had some constituents come to Council to talk about the noise level out at the airport and the noise level that they were experiencing was in the County and Item No. 24 was the area in the City on the opposite end where they had expanded and had gone in and acquired all of the property that was determined, that it was a separate area all together. Council Member Garcia absent.

25. ORDINANCE appropriating \$688,900.00 out of Parks Consolidated Construction Fund, awarding construction contract to **TRIMBLE & STEPHENS CONSTRUCTION SERVICES, INC d/b/a STEPHENS CONSTRUCTION SERVICES** for Construction of Parks Master Plan - Bid Package 8 - River Oaks Park, Tanglewood Park and Waldemar Park, GFS F-504C-20-3, F-504C-15-3 and F-504C-21-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0098 ADOPTED.

**MATTERS HELD** - NUMBERS 32 through 37

32. ORDINANCE approving and authorizing contract to reimburse **ALIEF INDEPENDENT SCHOOL DISTRICT, ANNUNCIATION ORTHODOX SCHOOL, FORT BEND**

INDEPENDENT SCHOOL DISTRICT, GALENA PARK INDEPENDENT SCHOOL DISTRICT, HOUSTON INDEPENDENT SCHOOL DISTRICT, KATY INDEPENDENT SCHOOL DISTRICT, NORTH FOREST INDEPENDENT SCHOOL DISTRICT, PASADENA INDEPENDENT SCHOOL DISTRICT, SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, ST. JOHN'S SCHOOL, ST. VINCENT DE PAUL SCHOOL, ALDINE INDEPENDENT SCHOOL DISTRICT and CLEAR CREEK INDEPENDENT SCHOOL DISTRICT and for payment of School Crossing Guards from the Child Safety Fund – (**This was Item 8 on Agenda of January 28, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0099 ADOPTED.

33. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HOIST & CRANE SERVICE GROUP** for Repair, Inspection & Preventive Maintenance Services on Cranes & Overhead Hoists for Various Departments (as approved by Ordinance No. 99-210) – (**This was Item 17 on Agenda of January 28, 2004, TAGGED BY COUNCIL MEMBER GREEN**) – was presented. All voting aye. Nays none. Council Member Garcia absent. ORDINANCE 2004-0100 ADOPTED.
34. ORDINANCE appropriating \$5,773.75 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract between the City of Houston and **GREATER INVESTMENT BUILDERS, INC** for Construction of Water Lines to serve development on Kilgore Street CIP S-0802-14 - **DISTRICT D – EDWARDS** – (**This was Item 18 on Agenda of January 28, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented. All voting aye. Nays none. ORDINANCE 2004-0101 ADOPTED.
35. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of the properties listed below and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount:  
Parcel SY3-048  
Former Memorial West Water District Plant Site  
13922 Memorial Drive  
**DISTRICT G - HOLM – APPRAISERS** – (**This was a portion of Item 26 on Agenda of January 28, 2004, POSTPONED BY MOTION #2004-99**) – was presented.

Council Member Holm stated that last week she asked for a week delay for the sale of a piece of land in District G to be sold as surplus and moved that Item No. 35 be returned to the administration in order to transfer the property jurisdiction to the Parks and Recreation Department, seconded by Council Member Sekula-Gibbs.

Mayor White asked that Council Member Holm restate her motion.

Council Member Holm moved to refer Item No. 35 back to the administration so that the jurisdiction of the property could be transferred from public utilities to the Parks and Recreation Department, that what they found was that it was a jewel and a great piece of property for a little pocket park and the Parks administration would really like to utilize that opportunity.

Mayor White stated that as he understood Item No. 35 was being referred back for consideration concerning what they needed to do with the property.

A vote was called on Council Member Holm's motion to refer Item No. 35 back to the administration. All voting aye. Nays none. MOTION 2004-0139 ADOPTED.

37. RESOLUTION approving the action of the City of Houston Health Facilities Development Corporation regarding its Retirement Facility Revenue Bonds (Buckingham Senior Living

Community, Inc. Project), Series 2004A, Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project) Extendable Rate Adjustable Securities, Series 2004B-1 and Series 2004B-2, Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Series 2004C and Variable Rate Demand Retirement Facility Revenue Bonds (Buckingham Senior Living Community, Inc. Project), Taxable Series 2004D (collectively, The "Bonds") - **DISTRICT G - HOLM – (This was Item 30 on Agenda of January 28, 2004, POSTPONED BY MOTION #2004-0104)** – was presented.

Council Member Holm stated that during the past week the Health Facilities Development Corporation and City Legal had worked to help them produce a document that would require the Buckingham not to seek tax relief under the current provisions and at the same time if there was a change of status that it would then be granted tax relief to the City or receive payment of fees in lieu of that and offered the following motion to amend Item No. 37 as follows:

"Amend the Resolution regarding the Buckinham Senior Living Community Inc. Project by renumbering Section 5 as Section 6 and adding a new Section 5 as follows:  
Section 5. This Resolution and all approvals set forth herein are expressly conditioned upon certain language being incorporated into the Loan Agreements that are associated with the transaction approved herein. The text to be integrated shall be inserted as Sections 4.10 and 2.16 of the Loan Agreements and is to be substantially in the form attached to and incorporated into the resolution as Exhibit B.", seconded by Council Member Quan. Council Member Goldberg absent.

Council Member Quan stated that he wanted to commend Council Member Holm on her work, that it was certainly something that they needed to be looking at and hoped that it served as a guide for future projects like it, that he knew in their Housing and Neighborhood Committee they were going to look to see what standards they would set in the future for similar type projects. Council Member Goldberg absent.

Council Member Ellis asked if the amendment basically said that the property in question would not receive both an ad valorem break as well as tax exempt financing at the same time, and Ms. Susan Taylor, Acting City Attorney, stated that was essentially correct, and Council Member Ellis asked if eventually once the tax exempt financing was taken out then they could apply for the ad valorem tax relief, and Ms. Taylor stated that the amendment provided that Buckingham or the individual seeking approval from the Council would agree not to seek tax exempt status, but if at any point during the time frame that the bonds were outstanding there was a tax exemption slot, perhaps by a subsequent purchaser, that they would agree that they would make a payment in lieu of taxes equal to the amount of taxes that would have been paid to all of the taxing jurisdictions that would otherwise have been paid, until either the tax exempt status was removed and then it would go back on the rolls or the bonds were paid of, and Council Member Ellis asked if they had the authority to include HISD and County in the amendment, and Ms. Taylor stated that there was nothing that prevented them from requiring the entity to make those payments as well, and they had done that.

A vote was called on Council Member Holm's motion to amend Item No. 37. All voting aye. Nays none. MOTION 2004-0140 ADOPTED.

Council Member Quan stated that he expressed concern regarding the involvement of the Buckingham into their community, that he subsequently met with Mr. Charlie Brewer, the President of the corporation and he had provided him a list of some of the things that the Buckingham had done already, that they had donated over \$5,000 in arts supplies to the M. D. Anderson Cancer Center Children's Project, they had co-sponsored tennis tournaments for 70 and 75 year olds at the Chancellors Family Center, they had created a Salute to Seniors Award, which they gave quarterly to outstanding seniors in the community and they offered free educational classes on computers and had joined two Chambers of Commerce and the

Woman's Center and had volunteered with the Alzheimer's Association in Houston, that Mr. Brewer had indicated he would provide a letter to him and to the Council that they intended to continue to make those efforts to be a good corporate citizen in Houston, so he appreciated their efforts in trying to address a lot of the concerns that he had.

Mayor White stated that there were various Council Members who for various reasons just had something in their gut which said that some people were going to get tax exempt status, they knew they were going to have tax exempt bonds that would be exempt from Federal Income Tax and there was a gut feeling that there had to be a public purpose and they were called on to make certain decisions about it and just a feeling if there were certain obligations or public responsibilities that somebody should have to do it and they had been informed by Council and F&A that it would have no adverse effect on the City's credit, an inquiry that he made, and they had been informed that it would be unusual for a local jurisdiction to impose greater requirements than were imposed by the Federal Income taxation, but the question would remain in the future and was worth some consideration on a case by case basis whether there was some public interest requirements or obligation that the City may be imposed that were reasonable on the circumstances of the individual project to get their approval for tax exempt financing, that they did not want those people coming back and trying to get out of ad valorem taxes later on, that they wanted to make sure that if they approved something that they were not giving away, so to speak, a valuable City asset or approval without due consideration of what public benefit may attend to that.

A vote was called on Item No. 37 as amended. All voting aye. Nays none.  
RESOLUTION 2004-0003 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Mayor White stated that at 11:00 a.m. they had a group of people and a presentation briefly in expression of appreciation of a number of people who had been assisting the City of Houston above and beyond the call of duty in both diagnosing and handling some traffic congestion problems, those being the people who were up in helicopters that worked for all the radio stations that were watching traffic for everybody, that Mr. David Saperstein and those various citizens who had been assisting the City would appear at 11:00 a.m. for a brief presentation. Council Member Green absent.

Council Member Ellis stated that yesterday they had a Fiscal Affairs Committee meeting where they discussed the increase in health benefits for City employees and retirees, that Mr. Hall gave them a presentation and there were a number of Council Members present, that he thought everybody would receive a package and become more educated on the increase they were facing, that they were going to have another committee meeting and believed that at that time there would be some suggestions from the administration as to which direction they would like to go, that committee meeting would be on February 11, 2004 at 2:00 p.m. and he would request everybody who could to show up for the meeting, that it was really the beginning of the budget process for Fiscal Year 2005 and would affect the last two months of Fiscal Year 2004 as well, that they would be receiving a package from Human Resources and/or Mr. Hall's office on Monday and he would request if they had specific questions from that package that they send them over to Ms. Aldridge and/or Mr. Hall so that they could be informed of the questions and could answer them during the meeting, that he looked forward to the suggestions that the administration had for addressing the issue, that the meeting would be in the Annex Chambers. Council Member Green absent.

Council Member Ellis stated that yesterday during the public session a gentlemen came in and brought a visual aid and hoped that the Mayor had received it, that as they dealt with the storm drainage issue it was always about money and while they could all agree that they needed more money for storm drainage just the simple solution that he was talking about, that his neighborhood was flooding and he brought them a shot of five different storm drainage pipes that were bent over and closed to where the water could not flow through it, that he did not want to point fingers and say that the City or County employees were not doing their job, that as the speaker stated the County was

mowing the ditches and when they did they bent the pipes over and therefore they could not have normal flow when it rained and his neighborhood flooded, that they should look at the common sense, simple solutions that were in front of them that did not cost a lot of money and needed to be addressed.

Mayor White stated that the mandate of a committee and some of the considerations of the administration on health benefit costs included that they appreciate the work and value of City employees and they wanted to make sure they made informed decisions, that a \$5 million decrease in the expenditures for operating expenses, because of rising health benefit costs to the City could have employment consequences for 60 to 100 City employees, so when they were looking at that they were trying to consider what was best for the City and City employees as a whole.

Council Member Edwards stated that she wanted to thank Council Member Ellis for bringing up the point and thought the constituent was very clear and concise in his analysis and based on that they had been talking in their committee about having a Saturday meeting at City Hall where people from the community and could give their opinions about what was going on in their community regarding flooding and drainage and what were possible solutions.

Council Member Goldberg stated that regarding Spur 527 the plan was for part of the closure to be February 13, 2004 and it was no doubt in anyone's mind that it would cause a lot of traffic congestion, that they had less than a couple of weeks left to get some things in order and one of those were the traffic light synchronization, it was still not working in that area and they would need it more than ever along West Alabama, Richmond, Westheimer and some of the north and south streets, that he saw it now as a priority over downtown and if there was any way that they could start moving people into that area of the corridor that was going to be affected, that there were still a lot of metal sheets laying in the street that were covering holes that apparently were not fixed, that there was no reason that every street in that area could not already be over laid and asphalted, that there was absolutely no excuse that every single one of those streets could not be in perfect order by February 13, 2004, that he was talking about the east and west streets of West Alabama, near Dunlavy. Council Member Green absent.

Council Member Goldberg stated that on the topic of the Super Bowl, it seemed it was the main discussion about the dance routine with Janet Jackson and Justin Timberlake and it was a shame that it was the major focus, that he did not think it was a black eye for the City of Houston, they obviously had nothing to do with it, that it did offend the moral standards of a large part of their community, that it was something that people did not expect, that he had discussions with the City Attorney, who had discussion with the District Attorney, and he would have liked for them to take a stand and file criminal charges, unfortunately he was told in way of a City ordinance that they could be criminally charged with, and he thought, at this point, they could not expect any criminal charges; that they should be discussing the fact that the Super Bowl was an absolute success, beyond their goals, visions and dreams and the City of Houston came through, that he thought that the Host Committee was to be commended and everyone who worked on it for the past couple of years to put it together, that he appreciated everything that the administration did toward it.. Council Member Green absent.

Council Member Wiseman stated that she wanted to echo the concerns expressed by her colleague, Council Member Goldberg, with respect to the performance at the halftime show at the Super Bowl, that one thing that people failed to mention was that for the performance, whoever was in charge brought in hundreds of children to stand around the stage to be part of the show and serve as the built in audience, that those were young children who were brought there for the purpose of viewing the performance and it was outrageous that it was allowed to happen, that it was unacceptable with or without the wardrobe malfunction that was witnessed by everyone across the world, that she would like to see if there was something they could look at to prevent such a situation from happening again in the future, if they could look at possible City ordinances which would prohibit the involvement of children in that type of program, that they had visitors from all over the Country and world and they had an opportunity to see the City shine and an opportunity to see the people of

the City, how friendly, how hospitable and how welcoming they could be, that in every seat there was a personalized greeting for the visitors that was hand drawn and even colored by children from the Houston Independent School District, that made such a tremendous impression to the visitors of the City, that she was very proud of the tribute to NASA and the astronauts, that it was a wonderful tribute. Council Member Green absent.

Council Member Wiseman stated that she had the opportunity on the part of a generous donor who provided 200 tickets to attend the NFL Experience and she wanted to thank Mr. Brian Foster, Assistant Principal at Alcott Elementary and Mr. Gaspir Mir with HISD, who rushed to put together a field trip in less than 24 hours for the children to attend, which would be an experience of a lifetime; that she wanted to extend her gratitude to Mr. Jordy Tollett, that it could not be said enough that his efforts in the Super Bowl were why it was such a success. Council Member Green absent.

Council Member Wiseman stated that she wanted to bring up a couple of issues in her district, one was the issue of a ladder truck at Fire Station 101 in Kingwood, that it had been a recurring problem, that ladder truck was being dispatched as an engine, which was not what should be done, that they had tried to address the problem of insufficient staffing over at Fire Station 101, that after a commitment that they would not, they had gone back to dispatching that ladder as an engine and there was documentation to prove that, that she would like a response from the administration as to how they were going to quickly resolve that and find out why that had lapsed again; that she would like the status of the quint apparatus for Station 101, that Council approved that in December 2002 and they were still awaiting that.

Council Member Wiseman stated that in August 2003, Acting Chief Breshears sent her a memo responding to HPD's staffing issues in Clear Lake, that the people in the community had asked for the reinstatement of bike patrol in the community, she received a written response indicating that it would occur, that she was at a civic association meeting this week at which the residents shared that it had not happened, it was confirmed by HPD that they did not have a reinstated bike program; that she also heard rumors that an officer had been pulled out of the assigned officers for the Clear Lake Sub Station to stand guard over the southeast water plant, that while that was important she thought it should be as a supplement to what they had out there and not to have someone pulled out of circulation and was something she would like to have addressed also. Council Members Quan, Green and Berry absent.

Mayor White stated that he wanted to thank Council Member Wiseman for always being so thorough in her representation of the constituents, that they had been taking notes and would follow up with her. Council Members Quan, Green and Berry absent.

Council Member Galloway stated that she did not know how many of them saw Mr. Marvin Zindler's commentary last night but thought it was most appropriate and much needed, that he praised Mayor Lee Brown for his efforts in getting the streets and coordinating all those efforts when they were so torn up in the City trying to get everything ready and prepared for the big day, the Super Bowl, that she wanted Mayor Brown to know that the community had not really put any emphasis on his area and support in any of the preliminaries of the Super Bowl, but she wanted to send him kudos for what he had done and what he had assisted in making it happen for the City as well, and asked for a round of applause for Mayor Brown. Council Members Quan and Berry absent.

Council Member Galloway stated that on a serious note they had a problem in the City and it had to do with racial profiling, that she was the First Vice President of the NAACP and they had been studying the matter, that she did not know if HPD was tied in with what METRO Police Department was doing because as she spoke about last week it was just one example where a minister was handcuffed and taken to jail for running a stop sign, it was just one example of what was going on and she did not know if a form was filled out to show he was an African American, that the information on some of the data that was gathered said that Blacks were searched, 24,000 out of 191,000 that were stopped, which was more than any other race, that something was going to have to be done, that it showed that HPD went beyond gathering data than any other law enforcement agency, that



they were gathering data when they went out on a call that was initiated by the resident, and when they go out there they make a racial profile report, that she wanted to why were they filling out racial profiles for calls that were initiated by the constituents who needed police assistance at their homes or place of business, that they could not separate the two because the forms were the same, that they needed to look into it because it was a major and serious problem, that she wanted to commend the Senators who were trying to introduce a Bill called the End Racial Profiling Act, Senator Russell Feingold out of Wisconsin as well as Mr. Chris Shays, a Republican out of Connecticut, that they had the bill in the House and certainly hoped when they got into their Legislative agenda that they would have some resolution to send them in support of the bill, the End Racial Profiling Act, the ERPA, and could jump on board to, that it was something that was affecting all over the Country and was very serious. Council Member Sekula-Gibbs absent.

Mayor White stated that he followed up with Chief Breshears after reading the summary of the newspaper report yesterday and they had a good discussion and they had a follow up call in the morning and they were examining some of the evidence and taking appropriate action. Council Member Sekula-Gibbs absent.

Council Member Green stated that he wanted to commend the City and all of the City departments on their efforts for the Super Bowl, it was a great feeling being able to get in and out of the stadium without any problems, the traffic was relatively smooth considering the amount of people they had in the City, but he especially wanted to commend HPD and all of the other law enforcement officers for the security downtown, that it was a good showing and relatively few arrests, that it set a precedence if they were to have a weekly or monthly type atmosphere because people were asking for it; that he had been getting a lot of calls about the Janet Jackson incident, and if in fact there were any SOB (Sexually Oriented Business) violations that may have been committed he would like for the City Attorney to look into it so that at least they could say on their part that they did every thing on their part, that they did not condone it, that they send a message that it was not acceptable.

Council Member Edwards stated that as to the Super Bowl she wanted to commend Council Member Alvarado for the work that she did on Main Street with those businesses and keeping them there until they had the Super Bowl and of course Mayor Brown and the other previous Council Members, that she was getting calls about Janet Jackson, but the whole show, if they looked at the whole background group was kind of T&A, and it was not just her; that the other issue was that she did not understand why they had to have the Houston Chronicle give the venue of all the strip clubs in the City like it was some kind of banner event and she got just as many calls regarding that, that it was in Saturday's newspaper. Council Member Green absent.

Council Member Edwards stated that it was Black History Month and she wanted to concur with Council Member Galloway on the racial profiling, that when the report first came out in the Public Safety Committee they had a hearing regarding it and those issues that she talked about were brought up, but she was really concerned about the searches that were about three and a half times more and she would like for the Mayor to have a briefing in one of his Mayor's Report with the Chief or whoever was appropriate and also maybe in Council Member Garcia's committee they needed to review it again, that her main concern was the high rate of searches. Council Member Green absent.

Council Member Edwards stated that she wanted to thank Mr. Buck Buchanan and Solid Waste for their efforts in some issues they had in their community right before Super Bowl, that they went out and picked up the trash, that they really appreciated it. Council Members Wiseman and Green absent.

Council Member Edwards stated that she wanted to thank the unknown citizen who stopped a young girl from being abducted last Thursday at Southmore and Ennis, the young girl was 13 years of age and was walking to school and some person of male gender decided that he wanted to abduct her and the passerby, a citizen, stopped it and hopefully saved the young lady from a lot additional trauma, that she went through some trauma, that if the citizen had the opportunity to come forward and let them know who he was so they could publicly thank him; that she wanted to continually ask

Lieutenant Dorothy Edwards, Officer Virgil Radliff and Captain Readdy, who were working with their district very strongly in getting them the neighborhood alerts and the community safe houses and she wanted to thank them again for their continued support. Council Members Wiseman and Green absent.

Council Member Edwards stated that on Martin Luther King Day there was the traditional horse parade down Martin Luther King by the Cowboy Association, there were a lot of them and the people enjoyed the parades, but what they did not enjoy were the horses walking on their lawns and tearing up their gardens and so forth, that she had quite a number of calls about that, that she did not know what associations they were, but at one point and time the Quality of Life Committee, under Council Member Parker was looking at that issue as to how it could better be regulated, that she did not know where that ordinance was or what happened to it, but though they needed to put some kind of direction to that, that she was not opposed to the horses in the community, in fact they were looking at a program called "Horses in the Hood" that dealt with bringing their young people to horses as a learning exercise and so forth, that she thought they had a proper place, but one place that was not proper was in people's lawns and tearing up their lawns when having their parades. Council Members Wiseman, Ellis and Green absent.

Council Member Edwards stated that as to the public session, she understood the policy they had of taking people out of order but thought sometimes it got to a point of being a disservice to the people who were present, if they were not with a big group or had the ear of a Council Member they had to sit through a whole lot of stuff sometimes and she was not sure how they could look at that and did not want to say they needed to stop the process of taking people out of order but thought they needed to be mindful of what happens when they did that, the people who just signed up and thought they were second on the list wound up being at Council for four hours or three hours, how would they address it, that she got a lot of concerns from people who signed up who did not get a chance to speak because they had to leave, or if they were going to do that they needed to make provisions for people who had signed up to speak to Council not always having to go and check their parking meter, if they were going to make people wait to be heard then they needed to be more mindful of the fact that they were putting quarters in a machine or whatever they were doing, that they either have free parking on that day or some kind of situation needed to be worked out, they needed to balance it out. Council Members Ellis and Green absent.

Mayor White stated that he knew Council Member Wiseman was meeting with the Agenda Director and it may be one of the issues that was appropriate to give some general guidelines in that regard without being too bureaucratic, and Council Member Wiseman stated that she would very much like to have that item on the committee agenda so that they could address it and set some guidelines. Council Members Ellis and Green absent.

Council Member Edwards stated that they had passed out some information regarding HIV/AIDS to the Council Members, that she wanted to bring their attention to the fact that they were still in a war in the City regarding HIV as far as the epidemic of people being challenged with it, that they could read the statistics themselves, that she thought it really spoke of where they were going in the future if they looked of the number of young people, that the epidemic was getting younger and younger and it was not just in the African American community but the younger groups were across the board, that she appreciated the Mayor still having the state of emergency task force but they were going to have to step it up, it had been primarily a volunteer driven organization and they had some very strong volunteers and they had done a lot of work and they had put in a lot of hours outside the norm, that they were in parks and facilities at 2:00 a.m. and 3:00 a.m. on their own time and putting in their own efforts in it and she applauded them, that she would encourage the Council to join them on Thursday, that there was going to be a press conference that the groups were holding to deal with February 6, 2004, which was the National Black HIV Awareness Day and there were going to be several testing sites throughout the City, that the Sunnyside area was probably one of the most devastating spots not only in the City but in the Country and they were losing a lot of their younger children that were being affected with the problem, that the theme was "Why Don't You Know", because the information was out there, that it was really a problem that could be dealt with primarily

by choices and the choices were based upon knowledge and they were trying to get the word out, they were asking for their support in the effort by attending the press conference and if they knew of a place in their community or district that would like to have a presentation the state of emergency task force would love to make those presentations, that they did free testing all of the time, that it had been pretty successful where ever they had gone. Council Members Ellis and Green absent.

Council Member Lawrence stated that she wanted to ditto the remarks made by her colleagues of the success of the Super Bowl, that Jacksonville, Florida had already started to send them posters and pins and knew that following Houston was going to be an impossible task, that she wanted to thank Houston for showing its heart, that she was proud of being a Council Member for the City and was proud of the constituents of Houston. Council Members Ellis and Green absent.

Council Member Garcia stated that he wanted to recognize the members of the Houston Police Department and Fire Department, for put a security and crowd control package for an event of that magnitude, especially in the day and age they were living in, with all the concern of homeland security, that he wanted to thank them for their effort. Council Members Ellis, Berry and Green absent.

Council Member Garcia stated that they were not going to let an article like what came out in the Chronicle distract them from the work that the police did day in and day out but the article in the Chronicle was an issue that did need to be discussed and reviewed and the Public Safety Committee would be looking to put it on their future agenda. Council Members Ellis, Berry and Green absent.

Council Member Garcia stated that he wanted to congratulate everyone involved in the Super Bowl, that everyone had really pitched in and made the Super Bowl a tremendous event and thought Council Member Lawrence was exactly right, they were going to be a tough act to follow, and along the same lines, Mr. Tollett, did a great job and thanked them for all their work in making it happen; however, as to Janet Jackson, there may not be the elements for a crime but he would really ask for the Mayor's serious consideration for a breach of contract review, because what the world saw was not a part of the contract. Council Members Ellis, Berry and Green absent.

Council Member Garcia stated that there was a tremendous effort to cleanup the City and they did a great job with it and would like to ask the administrations continued support to make the City's beautification and cleanliness a continued priority and not just along the lines of the Super Bowl, and now the All Star Game that was around the corner, but all the efforts that were undertaken to keep the neighborhoods clean, that now that they had done it for the downtown area, which was sort of the main point of concern for their visitors they should look into rolling it out a little bit further into the neighborhoods so that they could get some continued benefit from that effort. Council Members Ellis, Berry and Green absent.

Council Member Garcia stated that all the Council Members would be getting a notice on the agenda for the Public Safety Meeting, which would be held in the Council Chamber on Monday at 10:00 a.m. that they would be discussing the security wrap on the Super Bowl, an update on the issues at the HEC, a status report on the Crime Lab and then opportunity for public discussion, that he had spoken to the non committee Council Members to get him their top three priorities as they wanted to see discussed in the arena of Public Safety and Homeland Security, that one point in particular was, what did Homeland Security mean to the average resident, so along those lines he would like to receive some input on that. Council Members Ellis, Berry and Green absent.

Mayor White stated that there were people downtown displaying signs concerning some of the colorful establishments that the City may have and Sign Enforcement cited them and they did not stop and with prompt advice by the City Attorney and action by the Mayor's staff, he gave authorization or direction that it was appropriate that they be arrested and booked and if it continued so would the owners of the building and it stopped and it was all the City employees who were thinking on their feet, that there were so many stories and so many people who did so much that it was unbelievable and he thought it was a statement about Houston as opposed to MTV, that it was

Houstonians who conceived of and implemented that unbelievable show during the National Anthem, those were Houstonians who had control over that part of the program, that they were given no say or control over what happened during half time, not the least of which having someone parade around in the American Flag, that he thought that contrast showed how Houstonians treated the flag and their Country and knew what kind of signal they wanted to send to the young people. Council Members Goldberg, Ellis and Green absent.

Council Member Holm stated that as to the public session and hitchhiking on what Council Member Edwards said about the signup and people waiting and for them to really evaluate that and she applauded Council Member Wiseman for taking it up in her committee, that the other issue was when the speaker called and signed up they were told that they had one, two or three minutes to speak and thought they should some how work on that to make sure the speakers were prepared and if they extended their time that it was for 15 seconds to complete a sentence or wrap up but not to extend it 3 to 5 minutes to continue a presentation, and then thirdly, people were welcomed and encouraged to come because it was their opportunity to really address all of the Council Members, so she particularly appreciated the way the Mayor always responded and had department heads present to come forward to really assist them as they moved through the process trying to find the best resolution and a lot of time they came for a specific constituent issue and she also appreciated the interest that the Council Members took in it, but would also like to remind and appreciate the support and confidence of the Council Members to know that when constituents came forward that the public session was a very short forum and that through the district office they really had worked very hard to bring the issue to resolution so their confidence and support to know that they all had the exact same goals and that was to improve the quality of life and quality of service for each and every one of the Houstonians. Council Members Goldberg, Ellis and Green absent.

Council Member Holm stated that two ways that they could really help her was going to her CIP meeting on March 10, 2004 at Westside High School, what they were going to do in District G was start a six year plan, and to follow up on that they were going to set up a neighborhood advisory council and she would love the input and help of other Council Members to implement and move forward in the City so that they were all working together on that plan. Council Members Goldberg, Ellis and Green absent.

Council Member Holm stated that the Super Bowl was a great experience, whether they were workers, convention or tourists and Council Members did a great job and so did the citizens, that she wanted to note that the Garden Club of Houston came in and wanted to do something to make the City more beautiful so they partnered with Southwest Airlines at Hobby Airport and built and produced some exquisite incredible fresh flower arrangements at all of the entrances at Hobby Airport, so she just wanted to thank the citizens for really taking it on themselves and being a part of making a success story for the City.

Mayor White invited Mr. David Saperstein, Head of the Mayor's Office on Mobility, to the podium so that they may ask some questions, that he had been doing a lot of work, that he understood there were some folks that Mr. Saperstein had been working with and had meetings with and that both in interaction with him worked in the Super Bowl and would be helping the public in the future as they had in the past who communicated through the radio, and asked that he describe what those citizens had done and identify who they were. Council Members Ellis, Garcia and Green absent.

Mr. Saperstein stated that he had more than a little bit of knowledge of traffic reporters over the years and knew how much use they could be to the City in giving them information, that a few weeks ago they started talking to them to enlist their aid as volunteers to help report to them and give them suggestions on areas that needed to be addressed for the Super Bowl and they did that over a number of meetings and he would say that with the cooperation of TXDOT and Mr. Vanden Bosch of Public Works they were able to implement pretty much all of their ideas and thought they made a tremendous difference in moving the traffic through the Super Bowl and after the Super Bowl, that they also worked throughout the weekend educating a large audience out there because they represented just about every major radio and television station in the City of Houston, that it was a

great opportunity for them to get a message across to drivers and they planned on using them extensively in the future, that there were three organizations that were represented, that they had all of the reporters in the audience and asked that they stand and be recognized, and Mayor White stated that their work and the work of the other media was so effective, that he thought it was a tremendous source of empowerment of what they could do as a community to deal with some of those issues. Council Members Galloway, Ellis and Green absent.

Council Member Alvarado stated that she wanted to remind the new Council Members that there was a briefing that had been set up and a tour of Transtar that would take place for them and their staff on Friday at 11:00 a.m. at Transtar. Council Members Galloway, Ellis and Green absent.

Council Member Alvarado stated that she was very impressed with the new Council Members who had hit the ground running and who in just a short time had taken on issues, whether in their district or in the City and wanted to congratulate them for a fine job that each and every one of them were doing, that they had done a fine job. Council Members Galloway, Ellis and Green absent.

Council Member Alvarado stated that she wanted to give kudos to everyone who involved with the Super Bowl, all the departments who had something to do with making their City shine and then their citizenry, that she thought the message that the Mayor sent helped to push it over a little bit to make sure that they welcomed everyone who came to their City, that she wanted to give special thanks to the Police Department, that she could not say enough about the work that was done as it related to downtown, where they had at some times 150,000 to 175,00 in and around Main Street, that she was concerned for their safety, but their police officers really did a fantastic job and handled every situation in the most professional manner, and also the Fire Department inspectors in the Fire Marshall's office had their hands full and knew they were under a tremendous amount of stress and she wanted to acknowledge the work they did, that the Host Committee, that she wanted to recognize the Mayor and his staff and also Mayor Brown for the work that he and his administration laid out prior to the Super Bowl, and then of course their biggest cheerleader, Mr. Jordy Tollett, who she could not say enough about, that he did a tremendous job, that she wanted to thank him for everything that he and his office did to help make the Super Bowl a success in the City of Houston. Council Members Ellis and Green absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate and thank the Police, Fire, EMS, Metro, Convention and Visitors, City employees and the Host Committee volunteers for providing them with a fabulous Super Bowl, it was indeed a financial and public relations success, however she had received numerous emails, phone calls and face to face complaints about the Janet Jackson and Justin Timberlake incident and felt that it was a sour note in an otherwise harmonious Super Bowl symphony, that the issue for her was beyond the issue of indecent exposure and public nudity, she felt that it was a larger issue of sexual violence and set a very bad example for their young people, that she believed that citizens should write the FCC as well as the NFL and express their concerns to prevent future situations such as this from occurring. Council Members Goldberg, Ellis and Green absent.

Council Member Sekula-Gibbs stated that she had information that a person and group that came to the public session a few weeks ago had been victorious in obtaining the 20<sup>th</sup> National Wheelchair Soccer Championship, that they went to San Diego to participate in that tournament and were the victors, that she was pleased to congratulate Mr. Dave Stevens who was the coach and all of the members of the wheelchair soccer tournament team. Council Members Goldberg, Ellis and Green absent.

Council Member Sekula-Gibbs stated that on Saturday, February 7, 2004 from 10:00 a.m. to 2:00 p.m. there would be an African American Health Awareness Day and she wanted to thank Reverend Square of Peer Plus Youth Ministries who had the vision and community commitment to put forth the wonderful fair and awareness day, that there would be immunizations, diabetes screenings, mammograms, blood pressure screenings, HIV testing, Sickle Cell Anemia screenings, dental screenings and child safety information as well as general health information. Council

Members Goldberg, Alvarado, Ellis and Green absent.

Council Member Khan stated that he wanted to reflect on what he saw out in the City, that there was a tremendous sense of pride in the City employees and was a testament to the Mayor's leadership and a testament to how the City Council Members were working together and really caring about the needs of the City and today they saw the reporters coming to Council and he could see the tremendous sense of pride there displayed in doing their job, that he echoed the sentiments of his colleagues for the Super Bowl efforts, that it went beyond the Super Bowl and thought the City employees were really taking pride in doing their job. Council Members Goldberg, Wiseman, Alvarado, Ellis and Green absent.

Council Member Khan stated that regarding the half time show he wanted everyone to read the Houston Chronicle editorial where they pointed out the hypocrisy displayed by the NFL and CBS. Council Members Goldberg, Wiseman, Alvarado, Ellis and Green absent.

Council Member Quan stated that he wanted to echo all the sentiments expressed by his colleagues, what a wonderful event the Super Bowl had been, that he wanted to thank all those who had contributed in every way to make Houston the great City it was, that he wanted to acknowledge the Mayor and Mr. Tollett for their work in using the opportunity to promote Houston to other groups, he knew the Mayor's presentation to corporate leaders who were looking at Houston to relocate their offices to Houston was inspiring as well as talking to some of the largest event planners in the Country who were saying wow what a great City Houston was, that they did not realize how it had been redeveloped so much in the last few years, that he had the chance to host the President of the National League of Cities and they would like to bring their convention of over 7,000 to come to Houston because of the show that the City put on, so he thought it was a wonderful occasion for Houstonians to show their best face. Council Members Goldberg, Wiseman, Ellis and Green absent.

Council Member Quan stated that as to some of the things that were discussed at public session, in their committee meeting on neighborhoods they planned to review the Neighborhoods to Standard Program to see how it was working, that apparently there had been some failures with that program as expressed by a number of their citizens, that also the process of tearing down houses, they were going to be having a presentation on what did they go through in order to foreclose on property, that he thought it would be very educational and would be coming up the following week. Council Members Goldberg, Wiseman, Ellis and Green absent.

Council Member Quan stated that on Thursday they would be having an Ethics Committee meeting in Council Chambers at 10:00 a.m., as they looked at public disclosure to make sure that they did comply in every way when they had been asked to speak or participate in different events and what honorariums they could accept or how they would report those, that he thought it would be very informational and hopefully clear any questions that people may have in those regards. Council Members Goldberg, Wiseman, Ellis and Green absent.

Council Member Berry stated that he wanted to commend the Mayor, that he had really enjoyed working with the people in his office, Mr. Michael Moore and Mr. Terrance Fontaine and Mr. David Saperstein. Council Members Goldberg, Ellis and Green absent.

Council Member Berry stated that he wanted to remind people that tomorrow night they were having a townhall meeting, everyone was invited, where TXDOT, Metro, Public Works and a number of people would be there to answer questions from the public, particularly what was going on with the SPUR 527 closing, that it would be on Thursday, February 5, 2004, from 6:30 p.m. to 10:00 p.m. at Saint Paul's United Methodist Church, at 5501 Main Street, that on February 10, 2004 at Houston Baptist University they were inviting a lot of people from Sugarland and the further southwest quadrant to come out and hear what was going on and obviously everyone was invited to come out and listen, that he wanted to thank the traffic reporters because he had been listening and he heard a change in the way they were talking about how the traffic was moving, that it was an optimistic as opposed to a cynical. Council Members Goldberg, Ellis and Green absent.

Council Member Berry stated that he wanted to echo Council Member Galloway's comments with regards to the report that came out on searches and thought that her response was the appropriate response which was that they study the report and understand it, that they also needed to be careful not to destroy the moral among their officers, 99% of whom were doing a great job, that he wanted to make sure they were responsible in the way they responded. Council Members Goldberg, Ellis and Green absent.

Council Member Garcia stated that talking to the officers on the streets they were spending their time pushing a pen, pencil or keyboard instead of policing their community, that years ago when he was patrolling the streets he had the opportunity to build relationships with folks in the neighborhoods and got to know who the bad guys were, got to know who the seniors were and got to know just different business people in the neighborhoods, but many of the officers today did not have that opportunity because they were chasing one call after another and then spending the end of their shift catching up on all the reports that they had to be caught up on. Council Members Goldberg, Ellis and Green absent.

Council Member Berry stated that their committee meeting next Thursday was supposed to be at 10:00 a.m. and thought the Mayor moved his executive cabinet meeting to 10:00 a.m. so he would like some input from the TIA Committee members if they could do 9:00 a.m., if they would let their office know. Council Members Goldberg, Ellis and Green absent.

Council Member Berry stated that he wanted to thank the Mayor's office and City Legal Department for getting the food vendor permit fee capped, put back on the agenda and passed, they got a lot of calls from small business vendors and the Rodeo. Council Members Goldberg, Ellis and Green absent.

Council Member Berry stated that he was sent a letter from a lady from Austin whose bag was lost at the airport and Mr. Darrell Nelson, who worked in the parking garage, who took hours out of his day, on his own time, to go out and find her purse, that she said with employees like him working in Houston the City would make a great impression on those traveling through Houston, that she ended it with saying, "Mr. Nelson didn't know me from Adam that day and he didn't have to help me, but he made the decision to do so and I am grateful, you are fortunate to have someone like him in Houston and Houston is fortunate to have a citizen such as him", that was one of the average Houstonians who made a big difference and made the City look good. Council Members Goldberg, Ellis and Green absent.

Mayor White stated that he wanted the Police Department liaison to take note of the comments made by Council Members Galloway and Berry, that they had to have some tracking to have some accountability.

There being no further business before Council, the City Council adjourned at 11:30 a.m. upon MOTION by Council Member Garcia, seconded by Council Member Holm. Council Members Goldberg, Ellis and Green absent.

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

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Anna Russell, City Secretary